

# **Can the United States Defeat Radical Islam?**

**A Monograph  
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## **Abstract**

Can the United States Defeat Radical Islam? by Martin E. Hanratty, U.S. Agency for International Development, 158 pages.

On September 11, 2001, Al-Qaeda and affiliated jihadist organizations declared war on the United States. Since that day, the U.S. government has initiated a series of policies, legislation and actions to confront the new threat. Seven years into the war, there is growing criticism of the structure and approach the U.S. has adopted to defeat Al-Qaeda and the Salafist jihad organizations that support it. This monograph explores the basis of this criticism and determines whether or not the United States has the institutional structure, human resources and polices required to project the full complement of diplomatic, military, intelligence resources required to defeat Al-Qaeda and the global Salafist jihad that it represents. The monograph tracks changes in U.S. legislation, organizational structure, and actions mounted to contain and defeat Al-Qaeda since the 9/11 attacks. It presents non-classified evidence regarding the effectiveness of these changes to identify, interdict and neutralize Al-Qaeda and its affiliated groups and records how Al-Qaeda has responded. The monograph concludes with a set of recommended strategic and global adjustments to the U.S. global war on terrorism required to defeat Al-Qaeda and its affiliated terrorist network.

The monograph opens with an evaluation of Al-Qaeda's origins and cause, its recruiting base and methods, its cellular structure and operating procedures, and its financial assets including the sources of its funding, how funds are moved and managed, and how these funds are used to support the global Salafist jihad that Al-Qaeda embodies. This is followed by an analysis of the U.S. government structure and capabilities available to meet the challenged posed by Al-Qaeda prior to the 9/11 attacks. The monograph then turns to examine both the short and long-term responses of the U.S. government to the attacks. Analysis focuses on efforts undertaken by the intelligence and law enforcement communities, the U.S. military and the diplomatic and financial investigative arms of the government to identify, interdict, and neutralize Al-Qaeda terrorist operations worldwide. This section of the monograph closes with an assessment of how Al-Qaeda has changed its organizational structure and operational procedures to cope with the substantial and often successful interdiction efforts mounted by the United States and its allies. The monograph closes with a set of strategic and global recommendations that the United States might consider to improve the effectiveness of the War on Terrorism.

## Table of Contents

Abstract .....	iii
CHAPTER ONE: INTRODUCTION .....	1
CHAPTER TWO: ISLAMIC INSURGENCY--WHO ARE THEY, HOW DO THEY OPERATE, AND WHY IS THE UNITED STATES THEIR TARGET? .....	7
Introduction .....	7
Al-Qaeda's Cause .....	9
Al-Qaeda's Unlimited Army - Recruiting and Training.....	18
Recruiting .....	18
Training .....	21
Al-Qaeda--Structure and Operations .....	24
Al-Qaeda's Amorphous Structure .....	24
Al-Qaeda Cellular Operations .....	28
Financing Al-Qaeda Operations .....	30
Al-Qaeda Revenue Sources .....	31
Moving and Managing Funds.....	34
Use of Funds.....	36
Summary .....	37
CHAPTER THREE: U.S. NATIONAL CAPABILITIES BEFORE 9/11 .....	39
Introduction .....	39
The Institutional Environment before the 9/11 Attacks .....	40
The Federal Bureau of Investigation .....	41
The Intelligence Community .....	44
The Department of Defense.....	48
The Department of State.....	51
The White House.....	54
The U.S. Congress.....	58
Summary .....	61
CHAPTER FOUR: THE SHORT TERM RESPONSE--A PRELUDE TO A LONG WAR OR REVENGE?.....	62
Introduction .....	62
The Immediate Response .....	63
	iv

Day One.....	63
Week One .....	64
The End of 2001 .....	69
What Was Accomplished? .....	72
CHAPTER FIVE: THE MEDIUM-TERM RESPONSE: GETTING DOWN TO BUSINESS ..	74
Introduction .....	74
Strategy First .....	75
Joint Intelligence and Law Enforcement Operations.....	78
Military Operations .....	84
The Decision to Invade Iraq: Fact or Fiction.....	84
The Iraq Experience .....	90
Diplomatic/Financial Interdiction Operations .....	122
Al-Qaeda's Response .....	128
Summary .....	136
CHAPTER SIX: WHAT REMAINS TO BE DONE? .....	138
Introduction .....	138
Systemic Change .....	139
Global Challenges .....	144
Bibliography .....	148
Appendix A: List of Acronyms .....	154

## CHAPTER ONE: INTRODUCTION

On 11 September 2001, life in the United States changed. As smoke billowed from the jagged hole in the Pentagon and the Twin Towers crashed to the ground, millions watching the terrible spectacle on television sensed their world was different. Al-Qaeda's forced entry into every American home robbing families of the personal security they had once known. In one poll of 668 American families, following the attacks, 49 percent said their sense of personal safety and security had been shaken.<sup>1</sup> In another poll, involving 2,000 Americans, 57 percent expressed concern over the attacks and had taken steps to protect themselves and their families.<sup>2</sup>

On that day, the radical Islamic terrorist group, Al-Qaeda, became a household word in millions of U.S. homes. Al-Qaeda however was not new. Birthed in the mind of Osama bin Laden in the 1970s and 80s, nurtured in the Sudan in the early 1990s, and coming to maturity amongst the Taliban in Afghanistan in the late 90s, Al-Qaeda and its affiliates slowly and quietly orchestrated a growing wave of violence against civilian populations since 1980. They and their affiliates have carried out 711 individual terrorist attacks over the period, killing or injuring over 60,000 people (41,475 wounded in 18,577 killed). Each decade the intensity of the violence has increased. In the 1980s, slightly over 4,000 civilians were affected. By the 1990s, the carnage had increased to over 14,000 victims, and in the first seven years of the new millennium, Al-Qaeda and its affiliates claimed over 25,000 victims.<sup>3</sup>

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<sup>1</sup>Michael Traugott, *et al.* "How Americans Responded: A Study of Public Reactions to 9/11/01" (Ann Arbor, Michigan: Institute for Social Research, 2002), 1.

<sup>2</sup>Robert Blendon, *et al.* "The Impact of Anthrax Incidents in Three Metropolitan Cities: Study 2" National and Working Papers, Project on Public and Biological Security, (Cambridge, Massachusetts: Harvard School of Public Health, 17 December 2001), 9.

<sup>3</sup>Institute for Conflict Management, "Lashkar-e-Jhangvi: Terrorist Group in Pakistan," Sinha, Samrat. "Major Terrorist Attacks in India (2000-2006)," The Institute for Peace and Conflict Studies,

Some believe that the emergence of Al-Qaeda and the form of fundamentalist Islamic insurrection, which it espouses, represents a radical shift in insurgency doctrine. Unlike previous insurgencies in the Philippines, Vietnam, Malaysia, China and Algeria that focused on overthrowing public authority in a specific nation state, Al-Qaeda pursues a global insurrection focusing on overthrowing of the very concept of the nation state and the democratic and economic institutions that underlie it.<sup>4</sup> Some antiterrorist professionals have likened Al-Qaeda to a modern terrorist franchise operation, providing a common vision, message, training, technology, and financing for worldwide Islamic insurrectionist activities.<sup>5</sup>

Following the devastation of the 9/11 attacks, the United States was quick to act both domestically and abroad. On the domestic front, Congress passed the *U.S.A. Patriot Act* providing law enforcement agencies greater freedom to deal with domestic, as well as international terrorism. The formation of the Department of Homeland Security brought together disparate U.S. agencies responsible for border security, immigration, and the protection of U.S. infrastructure. On the international front, the invasion of Afghanistan brought down the Taliban regime, disrupted Al-Qaeda operations and communications, and denied Osama bin Laden

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"Special Report 27" (July 2007); Reuters Limited and U.S. Divers Travel Network, "Chronology of Attacks on Tourists Targets in Egypt, 1992 to Present," Wikipedia, "List of Terrorist Attacks in Saudi Arabia, 1988-2006," Infoplease.com., "Terrorist Acts Suspected of or Inspired by Al-Qaeda," Terrorist Attacks (within the United States or against Americans abroad); China View.com. "Blast in Philippines capital region might be a terrorist attack," Human Rights Watch. "Philippines: Extremist Groups Target Civilians," and Wikipedia, "List of terrorist Incidents."

<sup>4</sup>Following the convolutions wrought by Europe's 30 Years war in 1684, the Treaty of Westphalia set the foundation of the modern international system based on the principles of state sovereignty and international law. Gregory Gleason in his article "Westphalia System" identifies seven basic pillars that underlie the current international order: sovereignty of the state or nation; equality among sovereign states; the right of non-interference in the domestic affairs of a sovereign state; respect for the territorial integrity of the state; the obligation to abide by international agreements; peaceful settlement of disputes between opponents states or coalitions of states; and the obligation to engage in international cooperation consistent with a nation's self interest. Gregory Gleason, "Westphalia System," (8 July 2007) <http://www.unm.edu/~gleason/g/a/notes/topic11.html>. (accessed 22 October 2007).

<sup>5</sup>Norman Podhoretz, *World War IV: the Long Struggle against Islamofascism* (New York and London: Doubleday, 2007), 31.



continued sanctuary in Afghanistan. Increased cooperation between security agencies in the U.S. and their allies has restricted the flow of financial resources to Al-Qaeda and its affiliates. The subsequent invasion of Iraq, which has been attacked as irrelevant to the War on Terror, led to the downfall of Saddam Hussein and his totalitarian regime depriving, supporters believe, Al-Qaeda's access to weapons of mass destruction.

There is growing public criticism however over the effectiveness of these actions. The American public wants results, but Osama bin Laden remains at large. The strength of radical Islam has not abated and some believe the organization has increased its capabilities as the number of victims of violent attacks grows each year. John A. Kringen, the CIA's Deputy Director, in testimony before a U.S. House of Representative's committee on 11 July 2007 said that Al-Qaeda was, "fairly well settled into the safe haven in the ungoverned spaces of Pakistan . . . We see more training. We see more money. We see more communications."<sup>6</sup>

The United States remains embroiled in both Afghanistan and Iraq. Recent increases in military strength and the full transition to counterinsurgency operations has had some impact on limiting radical Islamic activities. General David Petraeus, the commander of military operations in Iraq, reported to Congress on 10 September 2007 that insurgent attacks over the period from December 2006 through June 2007 had declined significantly. He indicated that nation-wide civilian deaths declined by over 45 percent and ethno-sectarian deaths have plummeted by over 55 percent during the period.<sup>7</sup> In Afghanistan, however, the commitment of additional NATO troops has not been able to overcome the continued disadvantage of insurgent sanctuary in

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<sup>6</sup>Spenser S. Hsu and Walter Pincus, "U.S. Warns of Stronger Al-Qaeda," *The Washington Post* (12 July 2007).

<sup>7</sup>David Petraeus, "Report to Congress on the Situation in Iraq," testimony presented before the House Subcommittee on International Relations (10 September 2007). [http://www.foreignaffairs.hoU.S.e.gov/110/pet\\_091007.pdf](http://www.foreignaffairs.hoU.S.e.gov/110/pet_091007.pdf) (accessed 13 December 2007).

northern Pakistan and the number of attacks on civilian targets has risen dramatically. Human Rights Watch asserted that the human costs of insurgent operations in Afghanistan “...skyrocketed in 2006 and is on the rise . . . Increases in overall numbers of insurgent attacks in 2006 indicated that 2006 was the deadliest year for civilians in Afghanistan since 2001.”<sup>8</sup>

Finally, U.S. operations in Afghanistan and Iraq are placing increasing strains on the U.S. military and creating budget pressures that many believe cannot be sustained over the long-term. As far back as January 2005, the BBC reported that Lt. General James Helmly, in a leaked Pentagon memo, indicated that the U.S. Army Reserve, who make up the majority of troops stationed in Iraq and Afghanistan, had reached a point where it could not fulfill its missions in either country.<sup>9</sup> General George Casey, Chief of Staff of the U.S. Army, in a briefing at the Washington-based, Brookings Institute, on 4 December 2007 disputed the idea that the Army was broken. He however did indicate that extended troop rotations, excessive reliance on the National Guard, and six years of simultaneous deployments in Iraq and Afghanistan have significantly stretched the Army’s soldiers and equipment and the current deployment tempo was “unsustainable”.

Some observers and the majority of the U.S. public have begun to question if the United States can win the war on terrorism. Successes in Iraq are overshadowed by a growing number of critics who contend that the U.S. presence there and the military and financial resources it has consumed could have been better use in the pursuit and capture of bin Laden. In addition, every day as Americans watch CNN they are reminded of the terrible human costs of both

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<sup>8</sup>Human Rights Watch, “The Human Cost: the Consequences of Insurgent Attacks in Afghanistan,” Volume 19 No. 6 (C), (April 2007). <http://www.hrw.org/reports/2007/Afghanistan0407/Afghanistan0407.pdf> (accessed 13 December 2007).

<sup>9</sup>BBC News, “U.S. Army reserve a ‘broken’ force,” (January 6, 2005). <http://news.bbc.co.uk/2/hi/americas/4150749.stm> (accessed 14 December 2007).

engagements. Twenty-four-hour TV coverage of the suicide bombers, roadside explosives, and growing U.S., Iraqi and Afghani military and civilian deaths drives these costs upward.

A growing plethora of U.S. mistakes and Al-Qaeda's seeming unconstrained ability to take advantage of them has begun to sap U.S. public resolve and support for our involvement, especially in Iraq.<sup>10</sup> This negative environment has provided an ample playing field for both Democrat and Republican candidates vying for their party's 2008 Presidential nomination to develop diametrically opposed positions both supporting a continuation of the flight, as well as, the immediate withdrawal of all U.S. forces from Iraq.

This essay examines if the United States government has the organizational and human capacity to project all the forms of national power--military, diplomatic and informational and economic --required to defeat Al-Qaeda. The monograph opens with an evaluation of Al-Qaeda's origins and cause, its recruiting base and methods, its cellular structure and operating procedures, and its financial assets, including the sources of its funding, how funds are moved and managed, and how these funds are used to support Al-Qaeda. This is followed by an analysis of the U.S. government's capabilities to meet the challenges posed by Al-Qaeda prior to 9/11. The monograph then turns to examine both the government's short and long-term responses to the attacks. Analysis focuses on efforts undertaken by the intelligence and law enforcement communities, the U.S. military, and the diplomatic and financial investigative arms of the government to identify, interdict, and neutralize Al-Qaeda terrorist operations worldwide. This

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<sup>10</sup>CNN/Opinion Research Corporation Poll released on 9 December 2007 found that 68% of Americans polled oppose the U.S. war in Iraq. According to survey results from the Pew Research Center for the People and the Press released on 28 November 2007 54% of Americans polled believe that the troops stationed in Iraq should be brought home as soon as possible. The ABC News/Washington Post Poll conducted over the period from 29 October to 1 November 2007 found that 63% of Americans polled believed that the costs incurred versus. The benefits derived from the United States' involvement in Iraq were not worth it. PollingReport.com, "Iraq," <http://www.pollingreport.com/Iraq.htm> (accessed 14 December 2007).

section closes with an assessment of how Al-Qaeda has responded: changing its organizational structure and operational procedures to cope with the substantial and often successful interdiction efforts mounted by the United States and its allies. The monograph closes with a set of strategic and global recommendations that the United States needs to consider if it wishes improve the effectiveness of the global war on terrorism.

## CHAPTER TWO: ISLAMIC INSURGENCY--WHO ARE THEY, HOW DO THEY OPERATE, AND WHY IS THE UNITED STATES THEIR TARGET?

To understand if the United States has the capabilities to defeat the global insurgency embodied in Al-Qaeda, one has to understand the nature of the enemy that we face. This section explores the basic nature of Al-Qaeda and the historical evolution of its cause; who are its members, how are they recruited, and what is their motivation; how are they organized; and ultimately, why it is so difficult to identify and interdict their operations. Sun Tzu in his military classic, *The Art of War*, noted, “If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle.”<sup>11</sup> His prophetic words are as truthful today as they were 2,000 years ago. If the United States wishes to defeat Al-Qaeda and the radical message they espouse, it is essential to understand their cause and organizational culture.

### Introduction

To understand the unique nature of Al-Qaeda and its cause, one needs to see how it fits into the broader context of modern insurgent theory and operations. Bard O’Neill in his analytical guide to the study of insurgency defines an insurgency as, “a struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources (e.g., organizational experience, propaganda and demonstrations) and *violence* to destroy, reformulate,

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<sup>11</sup>Sun Tzu, *The Art of Warfare*, translated by Thomas Cleary (Boston and London: Shambala, 1988), 17.

or sustain the basis of legitimacy of one or more aspects of politics.”<sup>12</sup> Insurgents are politicians, but politicians who forgo the normal democratic processes to achieve power. They resort to violence to gain legitimacy and supremacy. Of particular interest in O’Neill’s inquiry is what he classifies as “reactionary traditionalists.” This class of insurgent includes groups like Al-Qaeda and Hezbollah who seek to reestablish a political or religious system that they idolize as a golden age. Jihadist groups such as Al-Qaeda believe that political rule should be based exclusively on the Koran and Sunnah--Hadith (traditions and sayings of Mohammad) as codified in the Sharia (Islamic law).<sup>13</sup> The political system, which these organizations wish to impose, is the end state of Salifist jihad. Their tools, the use of violence against innocent citizens to seize unquestioned power over a nations’ populous, is accepted by these organizations as a necessary condition for imposing Sharia law on often-resistant Muslims.

Because of the violence and civil unrest associated with insurgent operations, the political nature of insurgency and the counterinsurgency techniques used to control it often focuses on the structure of police and military operations necessary to control insurgent violence. However, violence is only a tool not a root cause of insurgency. At its core, insurgency is a form of violent politics. David Galula, the father of modern counterinsurgency theory describes insurgency as, “. . . the pursuit of the policy of a party, inside a country, by every means.”<sup>14</sup> Like democratic societies, modern day insurgents place considerable value on the “will of the people” and often devote years to capturing broad populist support, and the power that it bestows, before they

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<sup>12</sup>Bard O’Neill, *From Revolution to Apocalypse: Insurgency and Terrorism* (Washington, DC: Potomac Books, 2005), 15.

<sup>13</sup>Ibid., 21-23.

<sup>14</sup>David Galula, *Counterinsurgency Warfare: Theory and Practice* (Praeger Security International: Westport, CT, 1964), 1.

formally confront the government.<sup>15</sup> Articulating his cause or vision in ways that resonate with the largest portion of the population is critical. Galula notes, “The best cause for the insurgent’s purpose is one, by definition, that can attract the largest number of supporters . . . The insurgent must, of course, be able to identify himself totally with the cause or, more precisely, with the entire population theoretically attracted to it.”<sup>16</sup>

History is resplendent with an impressive menu of causes--political, economic, social, and racial--for insurgent selection. Each has one characteristic in common--it represents a real grievance that the majority of the country’s population must endure because the government chooses to do nothing or has not the capacity to resolve the problem. The long-term disequilibrium between citizen demands and the ability or willingness of a government to address them provides a fertile environment for insurgent growth and development. For example, the corruption and elitist structure of the Batista regime provided Fidel Castro with the raw material he needed to mass public support for the Cuban revolution. Racial issues such as the apartheid policies pursued by the white minority in South Africa and Rhodesia sustained the successful insurgencies of Nelson Mandela and Robert Mugabe for over ten years before they achieved independence.

### **Al-Qaeda’s Cause**

In the case of Al-Qaeda, their cause is based on the choices made by modern Arab states following decolonization in the mid-twentieth century. With decolonization came the restoration of Muslim power and the possibility of creating the true Muslim state founded on the teachings of Muhammad. Al-Qaeda contends that many of these states have erred by not choosing to establish

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<sup>15</sup>Frank Kitson, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping* (St. Petersburg, Florida: Hailer Publishing), 32-33.

<sup>16</sup>Galula, 13.

a true Muslim state, but instead imitated or adopted the Western institutions introduced by the colonialists. This set the stage for the development of Salafism, the ideological base upon which Al-Qaeda is founded. Marc Sageman in his excellent sociological analysis of how terrorist networks work defines Salafi jihad as a, “Muslim revivalist movement advocating the violent overthrow of local Muslim government, the ‘near enemy’, to establish the Islamic State.”<sup>17</sup>

To understand Al-Qaeda, one must understand the historical evolution of radical Salafist ideology. Classical Islamic theology is a theology of peace and unity amongst the *umma*, that group of people whose manners, ideas and concepts, rules and regulations, values, and criteria are all derived from Islamic sources. It prohibits violence against fellow Muslims, the leaders of Islamic nation states, and the nation states themselves positing that such actions would lead to *fitna*, the state of chaos and civil war that occurred a half century after the Prophet’s death.<sup>18</sup> These upheavals led to a violent split between the Sunni-Shia sects of Islam, which persists to this day.

The prohibition on violence was challenged in the eighteenth century by Mohamed ibn Abd al-Wahhab (1703-1791), the founder of modern day Wahabism.<sup>19</sup> Speaking out against the depravity of contemporary Arab tribal life, he claimed that the tribes of Arabia had reverted to

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<sup>17</sup>Marc Sageman, *Understanding Terrorist Networks* (Philadelphia, PA: The University of Pennsylvania Press, 2005), 17.

<sup>18</sup>Barak Barfi in his article “The Great Divide: The ancient enmity between Sunni and Shi’s continues to lead to violence,” characterizes this divide as one around the role of succession and who was eligible to succeed in Muhammad’s footsteps upon his death. Sunni’s believe that anyone from Muhammad’s tribe, the Quraysh, is eligible to rule the *umma*. They hold that Muhammad’s trusted advisor and father-in-law Abu Bakr was the most meritorious amongst his followers and the logical choice to succeed him. The Shi’a on the other hand claim heredity right to rule, believing members of Muhammad’s family or bloodline were the only ones entitled to lead. Barak Barfi, “The Great Divide: The ancient enmity between Sunni and Shi’s continues to lead to violence,” *The Jerusalem Reporter*, 1 October 2007.

<sup>19</sup>Wahhabism is a conservative Sunni Islam reform movement upon which the Kingdom of Saudi Arabia is founded and is the form of Islam found in Saudi Arabia, Kuwait, Qatar and parts of Somalia, Algeria and Mauritania. The doctrine is based on the uniqueness of God (*tawhid*) and denounces the moral decline and political weakness in the Arabian Peninsula. It strongly disapproves of idolatry, the popular cult of saints and tomb visitation.



*jahiliyya* (the state of barbarism and ignorance that existed on the Arabian Peninsula before the revelations of Muhammad), and had in effect abandon Islam. Referring to the fatwas of Taqi al-Din Ahmad ibn Taymiyya (1263-1328), a noted Islamic cleric who had lived through the violent Mongol conquests of the thirteenth century, he concluded that it was justified to assassinate Muslim leaders who had rejected the word of God.<sup>20</sup>

In the mid-twentieth century, Sayyid Qutb (1906-1966), an Egyptian Islamic radical, referencing al-Wahhab, developed a modified concept of *jahiliyya*. In Qutb's *Milestones*, published clandestinely in 1964 in Egypt, he took both ibn Taymiyya's duty to wage jihad against apostates and the concept of *jahiliyya* out of context and combined them in a novel way, extending them far beyond al-Wahhab's intent.<sup>21</sup> In essence, he believed that, "mankind was on the brink of a precipice. It was devoid of vital values necessary for its healthy development and real progress . . . the umma had been extinct for years because the later deviations (*ed.* the secularization of the Islamic state) had corrupted the original teachings."<sup>22</sup> To remedy this situation, he called for the establishment of, "a spiritual and practical change from the world of Jahiliyya."<sup>23</sup> He believed this could only be achieved by, "acknowledging only the sovereignty of

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<sup>20</sup>When ibn Taymiyya was asked if the murderous. Mongols, who had converted to Islam, could be put to death because of their murderous. deeds, he responded saying that while the Mongols had converted to Islam they still followed the Yasa legal code of Genghis Khan not the Sharia, and thus. were not true Muslims and could be killed.

<sup>21</sup>Sageman, 9.

<sup>22</sup>Ibid.

<sup>23</sup>Ibid. Wahhabism is a conservative Sunni Islam reform movement upon which the Kingdom of Saudi Arabia is founded and is the form of Islam found in Saudi Arabia, Kuwait, Qatar and parts of Somalia, Algeria and Mauritania. The doctrine is based on the uniqueness of God (*tawhid*) and denounces the moral decline and political weakness in the Arabian Peninsula. It strongly disapproves of idolatry, the popular cult of saints and tomb visitation.

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God and his Sharia in all spheres of life, the call to Islam (*dawa*) freed man from servitude to other men so that they might devote themselves to God and delivered them from the clutches of human lordship and man-made laws, value systems and traditions.”<sup>24</sup>

To facilitate this change, Qutb called for a global jihad, often referred to as the sixth column of Islam. Jihad has multiple meanings in Islam. On a personal level (greater jihad) it is the individual non-violent striving to live a good Muslim life, following God’s will. At a more violent level (lesser jihad), promoted by Qutb, it is a moral obligation (*fard ayn*) of all Muslims whether through direct participation, financial contributions, charity, or prayers to oppose infidels who invade Muslim lands, threaten the existence of Islam, or the way it is practiced in those lands (defensive jihad). Those who profess jihad whether it is greater or lesser jihad are termed jihadists.

Qutb’s interpretation of Islam focuses exclusively on the Koran and Hadith as the only legitimate sources of Islamic religious and legal interpretations. He ignores two other sources traditionally used by classic Islamic scholars: a body of analogies that have accumulated over centuries, which are used to extend the precepts in the Koran and Hadith to real life situations, not mentioned in either text; and, the historical record of consensus reached by Islamic scholars on particular theological issues over time. Both of these later historical records have one thing in common; they do not represent the decisions of Mohammad or his companions but decisions of learned Islamic scholars trying to interpret what Mohammed would have done to resolve a pressing contemporary problem. Salafists reject these latter two Islamic traditions as innovations (*bide*) that have been corrupted by non-Islamic forces to dilute the work of God. Qutb and his fellow Salafists only accept the first two messages, the Koran and Sharia, which are the word of God. The beliefs and practices that are strictly derived from them are valid, all others heresy.

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<sup>24</sup>Ibid., 11.

Qutb's writings imply that to achieve oneness with God, man is obliged to over through those oppressive political and religious systems, including Islamic sects and nation states that do not adhere to his narrow interpretation of the legitimate sources of religious and legal interpretation. He contends that the modern Islamic state prevents people from freely choosing the true Islam, and thus must be destroyed. Unlike more moderate Islamic theologians, who profess that society can be modified gradually from below by teaching and peaceful prositilization, Qutb believes that secular governments by their very nature would suppress such change through their control of modern communications. This makes broad based prositilization imposable. He concludes:

It is the very nature of Islam to take initiative for freeing the human beings throughout the earth from servitude to anyone other than God; and so it cannot be restricted within any geography or racial limits, leaving all mankind on the whole earth in evil, in chaos and in servitude to lords other than God...it is the duty of Islam to annihilate all such systems, as they are obstacles in the way of universal freedom.<sup>25</sup>

By far the most influential disciple of Qutb was Muhammad Abd al-Salam Faraj (1954-1982), who headed the Cairo branch of Tanzim al-Jihad (Jihad Organization), the organization responsible for the assassination of Egyptian President Anwar al-Sadat in 1981. Building on Qutb's arguments, Faraj declared all modern rulers were apostate and the Islamic punishment for apostasy was death.<sup>26</sup> Like Qutb, he rejected the use of the *dawa* to build the broad base necessary to establish the Islamic state peacefully, believing that neither individual piety, education or state benevolence could substitute for the highest form of Islamic devotion after the

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<sup>25</sup>Sayyid Qutb, *Milestones* (Cedar Rapids, Iowa: Mother Mosque Foundation, 1966), 75.

<sup>26</sup>Muhammad Abd al-Salam Faraj, "Al-Faridah al Ghaibah", in Johannes Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan, 1986), 169.

five pillars, jihad. He propagated that all Muslims needed to give priority to “radical definitive” solutions, “To fight an enemy who is near is more important than to fight an enemy who is far.”<sup>27</sup>

The transformation from a localized Salafist jihad targeting the “near enemy”, a local Islamic ruler or nation state, to Osama bin Laden’s global jihadist conceptualization, which focuses on the “distant enemy”, the United States and its allies, requires some explanation. One of bin Laden’s key mentors and teachers, Sheik Abdallah Azzam, advocated traditional jihad in places as far flung as the Philippines and Spain to roll back Christian encroachment on former Muslims lands. With the Soviet Union’s invasion of Afghanistan in 1979 and the subsequent nine-year occupation, Azzam and his followers had a new enemy to mobilize worldwide jihadist forces against. Thousands of hardened Salafists, indignant Muslim males, and disenfranchised youths traveled to Afghanistan to join forces with the Afghan Mujahedin (freedom fighters) to expel the Soviets from this Islamic nation. Many received training in camps established and administered by Osama bin Laden, Azzam’s deputy. Following the withdrawal of Soviet troops in 1988 and Russia’s subsequent dissolution, Azzam’s organization, lacked a common enemy to focus the “Afghan Arabs”<sup>28</sup>.

This changed with the entrance of U.S. troops into Somalia and Saudi Arabia prior to the first Gulf War. Initially, the reaction of Muslim militants to the presence of infidels on sacred soil was to call for traditional jihad. However, under the more global analysis of Islamic problems that emerged from extensive internal Al-Qaeda debate during bin Laden’s brief exile to the Sudan in the 1990s, local *takfir* Muslim leaders were not seen as the enemy themselves but as the pawns of

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<sup>27</sup>Ibid., 192.

<sup>28</sup>This refers to the 2,000 or so Arab and non-Arab volunteers that were assembled and trained largely by Osama bin Laden to participate in the ousting of the Soviet Union from Afghanistan.

a global power, the major obstacle to establishing a transnational *umma*. This revision led to a shift in priorities from the near enemy” to the “far enemy” the United States.<sup>29</sup>

The culmination of these discussions and a major step toward global Salafi jihad was Osama bin Laden’s 1996 fatwa declaring, “War against the Americans Occupying the Land of the Two Holy Places (Expel the Infidels from the Arabian Peninsula). In this declaration, Osama formalized the shift from Faraj’s “near enemy” strategy in the following words:

The situation cannot be rectified (the shadow cannot be straightened when its source, the rod, is not straight either) unless the root of the problem is tackled. Hence it is essential to hit the main enemy who divided the *Umma* into small and little countries and pushed it, for the last few decades, into a state of confusion.<sup>30</sup>

He emphasized that there was no more important duty for all Muslims than to push the Americans out of Saudi Arabia and the Holy Land.

A year and a half later, on 23 February 1998, Osama issued another fatwa declaring “Jihad against Jews and Crusaders” which has become the full-fledged manifesto of global Salafi jihad. In this document, bin Laden expands his concept of jihad from a defensive to an offensive one, shifting emphasis from the “near” to the “far enemy”. He justifies this new type of jihad on

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<sup>29</sup>This strategic decision has always been controversial within Al-Qaeda, partly because of the importance of Saudi Arabia as a source of Al-Qaeda financing. Differences surfaced during discussion to launch attacks within Saudi Arabia in 2003. Abu Hajjer (Abd Al-‘Aziz bin ‘Issa bin Abd Al-Mohsen), a high ranking Al-Qaeda operative articulated the split in an October 2003 interview which appeared in “The Voice of Jihad,” a biweekly online magazine identified with Al-Qaeda, in the following manner “There were those who said we must attack the invading forces that defile the land of the two holy places...There are others who say we have to preserve the security of these bases and this country (i.e. Saudi Arabia), from which we recruit the armies, from which we take the youth, from which we get the (financial backing)” The Middle East Research Institute, “Special Dispatch No. 601,” (31 October 2003) <http://www.memri.org> (accessed 3 February 2008).

<sup>30</sup>Osama Bin Laden, *Messages to the World: The Statements of Osama bin Laden*, translated by Bruce Lawrence (New York and London: Verso, 2005), 25.

the U.S. “occupation of Saudi Arabia”, support for Israel, and the “killing of Iraqi children”<sup>31</sup> which he believed was a “clear declaration of war on Allah, his Messenger, and Muslims.”

The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it . . . We--with Allah’s help--call on every Muslim who believes in Allah and wishes to be rewarded to comply with Allah’s order to kill the Americans and plunder their money wherever and whenever they find it. We also call on Muslim ulema, leaders, youths, and soldiers to launch the raid on Satan’s U.S. troops and the devil’s supporters allying with them, to displace those who are behind them so that they may learn a lesson.<sup>32</sup>

The fullest articulation of bin Laden’s global jihadist message is found in Aymad Zawahiri’s, Al-Qaeda Deputy Director, pamphlet entitled *Knights Under the Prophet’s Banner*. Here Zawahiri broadens the institutional breath of the new global jihad to encompass in addition to Islamic and Western powers other organizations including: the United Nations, apostate rulers of friendly Islamic countries, multinational corporations, international communications and data exchange systems, international news agencies and satellite media channels, and international non-governmental organizations, who he charged were cover organizations for espionage, proselytizing, coup planning and the transfer of weapons. He believed mobilization of the Muslim masses was critical for successful implementation of the jihad and placed special attention on articulating clear and simple messages that spoke directly to them:

The jihad movement must dedicate one of its wings to work with the masses, preach, provide service, for the Muslim people, and share their concerns through all available avenues for charity and educational work. We must not leave a single area unoccupied. We must win the people’s confidence, respect, and

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<sup>31</sup>Following the 1<sup>st</sup> Gulf War, U.N. trade sanctions placed on Iraq have been alleged to have resulted in growing malnutrition in the country and the premature death of vulnerable portions of the population, young children and the elderly.

<sup>32</sup>Bin Laden, 59-60.

affection. The people will not love us unless they feel we love them, care about them, and are ready to defend them.<sup>33</sup>

This meant that the global Salafist jihad must have an effective propaganda operation, able to communicate its message in clear and simple term so all can understand its historical and religious connotations. To recruit and retain support of the *umma*, slogans that captured the essence of the jihad are essential:

The one slogan that has been well understood by the nation and to which it has been responding for the past 50 years is the call for the jihad against Israel. In addition to this slogan, the nation in the decade is geared against the U.S. presence. It has responded favorably to the call for the jihad against the Americans. A single look at the history of the Mujahedin in Afghanistan, Palestine, and Chechnya will show that the jihad movement has moved the center of the leadership of the nation when it adopted the slogan of liberation the nation from its external enemies and when it portrayed it as a battle of Islam against infidelity and infidels.<sup>34</sup>

Al-Zawahiri believed the global jihad must focus effort on exposing the treason of Muslim rulers and establishing an Islamist state in the Muslim heartland as a base to launch its battle to restore the Caliphate based on the traditions of the Prophet.

If the successful operations against Islam's enemies and the severe damage inflicted on them do not serve the ultimate goal of establishing the Muslim nation in the heart of the Islamic world, they will be nothing more than disturbing acts, regardless of their magnitude, that could be absorbed and endured, even if after some time and with some losses.<sup>35</sup>

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<sup>33</sup>Ayman Al-Zawahiri. *Knights Under the Prophet's Banner-Meditations on the Jihadist Movement*, serialized in eleven parts in *Al-Sharq al-Awsat*, London: (2 December 2001), Part 11, 6.

<sup>34</sup>*Ibid.*, Part 11, 7.

<sup>35</sup>*Ibid.*, Part 11, 10.

## **Al-Qaeda's Unlimited Army - Recruiting and Training**

The message that bin Laden and al-Zawahiri have crafted--a blend of distorted Islamic theology; historical references to the enemies of Islam, the Western Crusaders; the jihadist call for the expulsion of the new Crusaders, the United States, from Islam's most holy places; and the call for recruits to make the ultimate sacrifice, martyrdom, in the name of Allah, has proved extremely successful in filling the operational ranks of Al-Qaeda. For example, Western intelligence sources estimate that between 10,000 and 100,000 recruits graduated for Al-Qaeda training camps in Afghanistan between 1989 and 2001. The reestablishment of camps in the tribal areas of Northern Pakistan after the fall of the Taliban has only added thousands of new recruits to the pool that Al-Qaeda can call upon. Rohan Gunaratna, in his historical account of Al-Qaeda development prior to 9/11, suggests that Al-Qaeda only selects three percent of these trainees, "the most committed, most trustworthy and most capable operatives" for further training and indoctrination. He notes, "Islamists from all over the world regard it as the very highest honor to be accepted as a full Al-Qaeda member."<sup>36</sup> How does Al-Qaeda attract these recruits, which pools of Muslim youths do they target, why is the recruiting process so difficult to detect and counter, and what techniques do they use to influence young foot soldiers to give up their lives in the name of Allah?

### **Recruiting**

Al-Qaeda's message is targeted to the large pool of disaffected Muslim youths--the expatriate and excluded Muslim communities in Europe, bored middle-class Arab youths in the Middle East, and locally disenfranchised youths of the Maghreb. Driven by bin Laden's eloquent

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<sup>36</sup>Rohan Gunaratna. *Inside Al-Qaeda: Global Network of Terror* (New York: The Berkley Publishing Group, 2002), 11.



and forceful messages, recruiting is a process of self-selection where disaffected Muslim youths, rejecting the commercialism, corruption, and inequality within their home countries or expatriate communities, identify with Al Qaeda's radical message and find a new source of spiritual commitment in it. Albert Bandura in his assessment of suicide bombers in "Mechanisms of Moral Disengagement" provides useful insights to understand this process. With the normal process of socialization that occurs in all social settings, young "people adopt moral standards that serve as guides and deterrents for conduct. Once internalized control has developed, people regulate their actions by sanctions they apply to themselves. . . Self sanctions thus keep conduct in line with internal standards."<sup>37</sup>

Al-Qaeda's message encourages Muslim youths, whose internalization of moral standards is still under development, to question the standards that their families, their religious leaders, and their government seek to instill. This disengagement is activated, according to Bandura, "by reconstructing conduct as serving moral purposes, by obscuring personal agency in detrimental activities, by disregarding or misrepresenting the injurious consequences of one's actions, or by blaming or dehumanizing the victims."<sup>38</sup> Al-Qaeda's messages exhort Muslim youth to set aside their social standards to take up the moral obligation of jihad. While they speak to the individual, they glorify his or her entry into a larger Islamic community, the umma, who have committed their lives to the moral teachings of Muhammad as found in the Koran and Sharia law. They downplay the moral consequences of violent acts noting that they will be rewarded by Allah, who will open the gates of heaven to those who make the ultimate sacrifice, martyrdom. They depersonalize the targets of jihadist violence, branding Islamic leaders who do not accept Al-

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<sup>37</sup>Albert Bandura, "Mechanisms of moral disengagement," in *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*, ed. by Walter Laquer (Washington, DC: The Woodrow Wilson Center, 1990), 161.

<sup>38</sup>*Ibid.*, 161.

Qaeda's message as apostates or heretics and non-Muslim leaders and civilians, who they claim are responsible for the downfall of Muslim influence worldwide and active participants in restraining its rebirth, as infidels.

Not all disenfranchised Muslim respond to Al-Qaeda's religious appeal. In general, those who are satisfied with their religion are not likely to seek out Al-Qaeda. Others, possible those brought up in religious households or who have already committed themselves to Wahhabi or Salifist versions of Islam, are more likely to respond.<sup>39</sup> Jerrold Post, in his general analysis of terrorism, believes terrorists are;

Individuals with a damaged "self-concept" who have "never fully integrated the good and bad parts of the self . . . the self is 'split' into the 'me' and the 'not me.' . . . An individual with this personality constellation idealizes self, splits out, and projects into others all the hatred and devalued weakness within. They need an outside enemy to blame.<sup>40</sup>

Whatever the cause, these potential jihadists see Muslims suffering because of wars, such as those currently underway in Iraq and Afghanistan, as victims of infidel injustice. In response, they begin to feel a common bond of victimhood based on Islam. Testimonials by leading jihadist and martyrs, portraying their sacrifices as individual proclamations of faith, are important elements in the redefinition of these individuals from a disgruntled Islamist to a radical jihadist. For example, Osama bin Laden's rejection of the luxurious life associated with his billionaire Saudi Arabian family for one of poverty and humility in the name of God provides vivid testimonial to what an individual can do for his faith. Young potential jihadist seek to emulate this role model.

They often seek out other like adherents primarily through their local mosque. Not all mosques provide the necessary environment for the above radical transformation. Only a few

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<sup>39</sup>Sageman, 110.

<sup>40</sup>Jarrold, M. Post, "Terrorist psycho-logic: Terrorist behavior as a product of psychological forces" in *Origins of Terrorism*, 27.

selected mosques in Brooklyn, Milan, London, Montreal, Madrid, Hamburg, Roubaix, and Khamis Mushayt in Saudi Arabia actively support the Salafist ideology. In Sageman's discussion of the expatriate Muslim jihadist, he sees the Salafist mosque as:

. . . An ideal place to meet familiar people, namely fellow Muslims--an important desire in upwardly and geographical mobile young men who missed the community of their friends and family. Friendship groups formed around the mosques . . . Each new group became a 'bunch of guys' transforming its members into potential mujahedin, actively seeking to join the global jihad.<sup>41</sup>

They listen carefully to radical clerics and friends, critically selecting those components of their new faith that make sense in explaining their new interpretation of the world and their role in it. This process requires a reappraisal of life, values, beliefs, and goals not the uncritical acceptance of what radical cleric say. This personal transformation radicalizes the individual and generates exceptional strong personal and religious bonds between the individual and his "group of guys."

Individual transformation, however, is not enough. Personal action and commitment, like that exemplified by bin Laden, is required. This manifests itself in individual or group participation in targeted training, such as that provided by Al-Qaeda. Access to training is not easy. Sageman equates it to the process of applying to a highly selective college.<sup>42</sup> Acceptance into one of the camps only occurs after the potential trainee receives the recommendation from a personal acquaintance—a friend, relative, or fellow worshipper--that is known by or committed to Al-Qaeda's cause.

## Training

Training is guided by set of Al-Qaeda training manuals. Basic training materials are contained in Al-Qaeda's 7,000-page multi-volume, *Encyclopedia of the Afghan Jihad*, a

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<sup>41</sup>Sageman, 115.

<sup>42</sup>Sageman, 122.

collection of techniques culled from American and British special force's manuals combined with lessons learned from jihadist operations in Kashmir, Bosnia, Mindanao and Chechnya. These teaching materials are supplemented with other specialty training manuals. For example, the *Declaration of Jihad against the Country's Tyrants, Military Series*, with lessons ranging from communication, transportation of weapons and their procurement, is used exclusively for advanced terrorist training.<sup>43</sup>

Following an initial interview to assess background and skills, the new recruit passes through a 15-day boot camp where his physical and psychological commitment to Al-Qaeda is tested. Trainees, who get as little as three hours of sleep per day, are indoctrinated with Al-Qaeda's worldview while constantly being assessed by their trainers.<sup>44</sup> Those who pass this initial training are invited to participate in the second phase, a 45-day period of basic military training emphasizing map reading, trenching, celestial navigation, and the use of a wide variety of weapons ranging from light machine guns to anti-aircraft missiles. Those selected during this training are provided the option to attend an additional 45-day guerrilla warfare school, including specialized training in hijacking, espionage and assassination. Through this process, Gunaratna reports that, "Al-Qaeda puts great stress on the fact that its members should be psychologically trained for war . . . which is more important than battlefield or terrorist combat training."<sup>45</sup>

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<sup>43</sup>Al-Qaeda, *Declaration of Jihad Against the Country's Tyrants: Military Series, Al-Qaeda Training Manual*, recovered by the Manchester, UK police from the home of Nazih al-Wadhi on 20 May 2000. The translated manual is available at the U.S. Department of Justice's web site at [www.U.S.doj.gov/ag/manualpart1\\_1.pdf](http://www.U.S.doj.gov/ag/manualpart1_1.pdf).

<sup>44</sup>Lawrence Wright in his bestselling history of Al-Qaeda prior to 9/11, *The Looming Tower: Al-Qaeda and the Road to 9/11*, indicates indoctrination focuses on three components of Al-Qaeda's worldview: establishing the rule of God on earth, attaining martyrdom in the cause of God, and purification of the ranks of Islam through assassination of apostate Muslim leaders and their Western supporters. Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Vintage Books, 2007), 341.

<sup>45</sup>Gunaratna, 97.

During each phase of training, U.S. military forces, heretics (the Mubaraks of the world), Shiites, and American and Israeli citizens are the targets for all exercises.”<sup>46</sup>

As Gunaratna reports above, very few trainees, less than three percent, go on to more advanced training or join Al-Qaeda’s or its affiliate ranks.<sup>47</sup> Some like the Lackawanna Six, a group of Yemeni-American men who participated in the initial base camp training in Afghanistan as a group, withdrew from follow-on activities when they learned more about the violent anti-American bias presenting in the training.<sup>48</sup> Others who successfully completed the entire training program are formally inducted into Al-Qaeda. New recruits fill out forms in triplicate, pledge an oath of loyalty, both verbally and in writing, to bin Laden and swear themselves to secrecy. In return, single and married recruits serving in Afghanistan initially received \$1,000 and \$1,500 a month with the provision of a round-trip ticket home each year. As Lawrence White suggests, “From the beginning, Al-Qaeda presented itself as an attractive employment opportunity for men whose education and careers had been curtailed by jihad.”<sup>49</sup> With the fall of the Taliban and the destruction of Al-Qaeda’s major Afghan training camps, the organization has been forced to alter its training programs. While retaining camps in Northern Pakistan, the majority of training has likely become local and less professional

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<sup>46</sup>Wright, 342.

<sup>47</sup>Marc Sageman places this percentage much higher indicating that, “Al-Qaeda offered the opportunity to join its ranks to only 10 to 30 percent of the trainees.” Sageman, 121.

<sup>48</sup>This Western New York State group of close friends eventually was sentenced to ten years in jail for participation in Al-Qaeda training even though they walked away from the jihad and had never planned or implemented a terrorist act.

<sup>49</sup>Wright, 162.

## **Al-Qaeda--Structure and Operations<sup>50</sup>**

Although Al-Qaeda is a political group bent on initiating a worldwide Islamic religious revival, it operates as a cultural network, recruiting known persons, without a formal procedure for recruitment, appointment or promotion. It recruits and promotes based on family, friendship and nationality ties. It operates through a flat, cellular structure, where the highest echelons in the organization, the central staff can interact with the lowest: the terrorist cell. Sageman describes the organization as, “a network, a collection of nodes connected through links. Some nodes are more popular and attached to more links, connecting them to other more isolated nodes. These more connected nodes, called hubs, are important components in the architecture of Al-Qaeda.”<sup>51</sup>

### **Al-Qaeda's Amorphous Structure**

When the Afghanistan War ended in 1991, many of Al-Qaeda's most loyal followers remained with bin Laden through his subsequent travels to Saudi Arabia, the Sudan and his return to Afghanistan. Others returned home with their fellow jihadists to form local insurgent cells to continue the jihad on the home front. To manage the organization, bin Laden with the assistance of Ayman al-Zawahiri in 1998 developed four distinct yet interlocking entities, “a pyramidal structure to facilitate strategic and tactical direction...a global terrorist network...a base force for guerrilla warfare inside Afghanistan; and ... a loose coalition of transnational terrorists and guerrilla groups.”<sup>52</sup> While this structure is constantly changing, most analysts believe it has

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<sup>50</sup>Much of the information presented in this section has been taken from captured documents seized after the 9/11 attack. They reflect Al-Qaeda's structure and operations prior to the attacks. It is highly likely that interdiction efforts since 9/11 that have captured or killed many top Al-Qaeda operatives, the fall of Afghanistan and disruptions in Al-Qaeda's communications and financial systems have caused major restructuring.

<sup>51</sup>Sageman, 137.

<sup>52</sup>Gunaratna, 76.

maintained the above general architecture over time. At the apex is a central staff composed of bin Laden, Al-Qaeda's chief strategist and visionary, assisted by an Emir General, responsible for day-to-day operations and oversight of Al-Qaeda's Islamic Army.<sup>53</sup> The Army, formally known as the 055 Brigade,<sup>54</sup> is currently believed to involve 300 to 1,000 fighters located in the Tribal Areas of Northern Pakistan and an unknown number of terrorist associated with 23 to 27 affiliated jihadist groups in Egypt, Libya, Saudi Arabia, Oman, Tunisia, Jordan, Iraq, Morocco, Somalia and Eritrea (See the schematic below for more detail).<sup>55</sup>

Major decisions, such as the approval of a specific terrorist operation, are taken with the advice and consent of a Consultative Council, an inner circle of Bin Laden's closest associates, most of whom have long standing ties with him going back to the formative years when Russian occupied Afghanistan or during his Sudanese exile.<sup>56</sup> Some analysts believe this structure works like a foundation where researchers, in this case the terrorist cells, submit projects which are carefully considered, some funded but most rejected. Gunaratna believes the organization works like a multinational corporation with affiliated terrorist groups acting like corporate subsidiaries

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<sup>53</sup>Almost two-thirds of the central staff are Egyptian (20, or 63 percent). The remainder comes from Saudi Arabia (3), Kuwait (3), Jordan (2), and Iraq, the Sudan, Libya, and Lebanon (1 each).

<sup>54</sup>The Brigade, 2,000 strong at the height of the Russian occupation of Afghanistan, was made up of foreign fighters who had voluntarily come to Afghanistan to expel the Russians and those who had fought elsewhere (Kashmir, Dagestan, Tajikistan, and Nagorno-Karabakh) before participating in Al-Qaeda training. Each year Brigade members were given the choice where they wished to be deployed. Many chose reassignment to Al-Qaeda's terrorist operations thus. Building a strong bond between Al-Qaeda affiliates and the core organization. The brigade suffered heavy losses in the U.S. invasion, losing a quarter of the force. Remnants are now believed to be located in the Tribal Areas of Northern Pakistan where they engage in cross-border raids and/or support Taliban led guerilla activities in Southern Afghanistan.

<sup>55</sup>U.S. National Commission on Terrorist Attacks, "Overview of the Enemy: Staff Statement 15," (Washington, DC: U.S. GPO, 2003), 3.

<sup>56</sup>U.S. National Commission on Terrorist Attacks, "Overview of the Enemy," 2.

and Al-Qaeda providing the venture capital.<sup>57</sup> However, bin Laden does not manage this structure like the conventional CEO. Sageman describes his manage style as follows:

He is publically self-effacing and seems to relinquish control of an organization (which would have implied a more hierarchical structure) for the sake of efficacy. He shows his disapproval not by killing his potential rivals but simply by withdrawing funds from them until they come back to the fold. This type of leadership is rare and may well account for the robustness of the global Salafist jihad, its ability to respond to changing conditions, and its widespread appeal to Muslim youths.<sup>58</sup>

Complementing Sageman's description, The National Commission on Terrorist Attacks Against the United States, subsequently referred to as the 9/11 Commission, cautions that, "This organizational structure should not be read as defining a hierarchical chain of command for specific terrorist operations. It serves as a means for coordinating functions and providing material support to operations. But once a specific operation was decided upon it would be assigned to a carefully selected clandestine cell, headed by a senior Al-Qaeda operative."<sup>59</sup> Bin Laden manages this network.

Six operational committees each with specific duties report to the Council:

- The **Military Committee** is responsible for recruiting, training, local procurement, transportation, and the development of tactics. It is responsible for managing Al-Qaeda's training programs including the administration of all training camps. The committee identifies potential targets and selects teams to plan and execute attacks, including gathering intelligence, rehearsing attacks, provisioning equipment and training.

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<sup>57</sup>Gunaratna, 91.

<sup>58</sup>Sageman, 173.

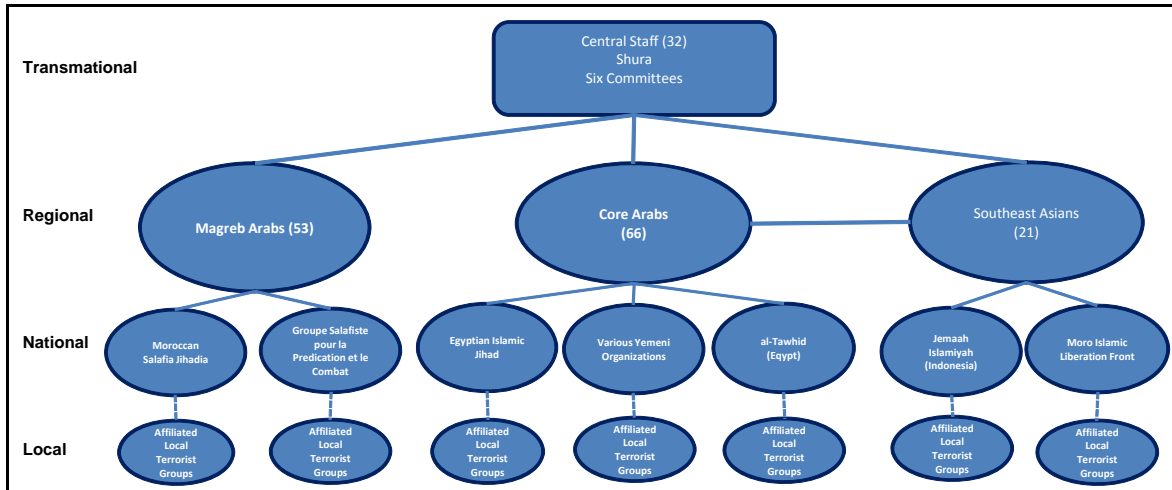
<sup>59</sup>U.S. National Commission on Terrorist Activities, "Overview of the Enemy," 2.



- The **Finance and Business Committee**, formally lead by experienced financial experts, manages Al-Qaeda's vast and complex business and financial interests across four continents including fund raising, the movement of money allocated to operations, and the provision of finances for training camps, housing costs, living expenses, travel, and the procurement of original, forged, and altered documents.
- The **Islamic Studies Committee** is responsible for researching and issuing *fatwas* - religious pronouncements based on an interpretation of the Koran and Shari'a - that direct, justify and/or authorize certain actions - including deadly attacks.
- The **Security Committee** is responsible for the physical security of Al-Qaeda facilities and key personnel, such as bin Laden and al-Zawahiri, intelligence collection and counterintelligence.
- The **Foreign Purchases Committee** is responsible for acquiring weapons, explosives and specialized technology for operations - scuba gear, range finders, satellite phones, night vision goggles, 50 caliber sniper rifles, etc.
- The **Media and Publications Committee** is in charge of propaganda and the dissemination of Al-Qaeda news and information including an Arabic daily *Nashrat al-Akhbar* (Newscast) and a weekly report covering Al-Qaeda news, Islam in the world, *jihad*, and related topics.

The connectivity between the Al-Qaeda's "central staff" and its field operations is not linear or hierarchical but a web of loosely based, formal and informal operating cells, communicating with the "central staff" through three operational hubs: the Maghreb Arabs living

Al Qaeda's Global Structure



**Note:** Numbers in paranthesis are the number of known members. Full lines denote a direct relationship, dashed lines an indirect relationship.  
**Source:** Adapted from Eric Segman, *Understanding Terrorists Networks*, 71 and 171.

in North Africa, Europe and North America; a core Arab hub living in key Arab countries in the Middle East; and a Southeast Asian hub serving radical Islamic groups in the Philippines, Malaysia, Indonesia and Singapore. Each regional support hub is lead by a trusted Al-Qaeda lieutenant personally selected by bin Laden with support from a Regional Financial Manager, who represents the Business and Finance Committee, managing the collection of Al-Qaeda revenues and the disbursement of operational financing.

## Al-Qaeda Cellular Operations

Describing how this structure works, Sageman suggests, “It is not a specific organization, but a social movement consisting of a set of more or less formal organizations, linked in patterns of interaction ranging from the fairly centralized (the East Africa embassy bombings) to the more decentralized (the millennial plots)<sup>60</sup> and with various degrees of cooperation . . . resulting in

<sup>60</sup>The so called millennial plots include the: the Amman and Los Angelis Airport attacks (December 1999), the Aden attacks on the U.S.S.The Sullivans and Cole (January and October 2000), the

more or less connected terrorist operations.”<sup>61</sup> The network of cells identified with each hub is dynamic with established cells becoming moribund, new ones developing around mosques through existing family, kinship, professional, or friendship ties and maturing as cells undergo Al-Qaeda training, graduation, and reestablishment in their home country.

At each of the network’s four operating levels, the central staff, the hubs, national affiliated groups and local cells, strict security protocols are followed thus making Al-Qaeda operatives and their attacks difficult to detect and interdict.<sup>62</sup> Al-Qaeda’s global network adheres to a cellular (or cluster) organizational model. Such systems are composed of many small cells, usually having no more than two or three members, with members in one cell unaware of members in another. This assures that if a cell member is arrested he will only be able to implicate those members in his cell, not members of other cells or the terrorist organization as a whole. Cell members never use their true names and are known to other members by an alias. They never meet together but rely on sequential person-to-person encounters where they cannot be observed or photographed by security personnel. Meetings follow strict security protocols.<sup>63</sup> Cell members do not know how their cell leader communicates with the higher echelon command structure.<sup>64</sup>

During the 1990s, Al-Qaeda began using satellite phones to communicate. When they returned to Afghanistan, they expanded their use of technology incorporating e-mails, faxes and

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Christmas Eve bombings of Indonesian churches and the Manila and Strasbourg market bombings (December 2000).

<sup>61</sup>Sageman, 137.

<sup>62</sup>Al-Qaeda, 26.

<sup>63</sup>Ibid., 32.

<sup>64</sup>Ibid., 34.

web sites into their communications architecture. Stefan Aubrey, in his description of Al-Qaeda planning operations prior to the 9/11 attacks, suggests that:

Cells can remain dormant for a long time, waiting for activation calls. Compartmentalization between cells and the leadership as well as between the respective cell-members was strictly enforced. . . Al-Qaeda's communications network relies heavily on human courier contact or email connectivity using encryption, coupled with through operational security."<sup>65</sup>

Following 9/11 when bin Laden learned that western intelligence services were intercepting Al-Qaeda satellite phone traffic, the organization began discarding many of these devices, relying more and more on human couriers. This had significant implications for terrorist group effectiveness. Sageman believes:

As use of satellite phones and the like became difficult to use because of monitoring, communications with Central Staff break down and the global jihad may revert to plotting local operations without much support from staff. The amateurism of the May 16, 2003, Casablanca bombings (when the bombers got lost on the way to the targets) may indicate the new state of global jihad, stripped of much of its communication capabilities.<sup>66</sup>

## **Financing Al-Qaeda Operations**

Similar protocols govern the operations of Al-Qaeda's financial network. The network, which the Council on Foreign Relations believes is, "Osama bin Laden's foremost accomplishment", is characterized by layers and redundancies. It is grounded in the system established to channel resources to the Mujahedin in their fight to expel the Russians from Afghanistan in the 1980s.<sup>67</sup> The system continues to remain in tack, even with bin Laden's forced exile to the Sudan and later Afghanistan, Al-Qaeda's expulsion from Afghanistan, and the

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<sup>65</sup>Stefan M. Aubrey, *The New Dimension of International Terrorism* (Zurich, Switzerland: vaf Hochschulverlag AG, 2004), 156.

<sup>66</sup>Sageman, 160.

<sup>67</sup>Council on Foreign Relations, *Terrorist Financing: Report of an Independent Task Force* (Washington, DC: The Council on Foreign Relations, 2002), 5.

extensive efforts by the U.S. to destroy the network following the 9/11 attacks. Gunaratna commends Al-Qaeda in developing, “. . . the most complex, robust and resilient money-generating and money-moving network yet seen” by Western intelligence agencies.<sup>68</sup> The Council on Foreign Relations warns, “As long as Al-Qaeda retains access to a viable financial network, it remains a lethal threat to the United States.”<sup>69</sup>

### Al-Qaeda Revenue Sources

The network operates through a complex set of relationships employing, knowingly and unknowingly, both formal and informal organizations to generate revenues, manage those revenues once acquired, and then move funds in support of Al-Qaeda or affiliated terrorist operations. Prior to the 9/11 attacks Al-Qaeda relied on the manipulation of the formal financial system to execute legal transactions to support their illegal terrorists activities. These “money soiling” transactions transferred funds from legitimate business and charities to Al-Qaeda clandestine accounts to support operations, recruitment and training, and investments in profit making businesses.<sup>70</sup> Currently, it is believed that Al-Qaeda relies on two basic revenue sources: charities and illegal activities.<sup>71</sup>

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<sup>68</sup>Gunaratna, 81.

<sup>69</sup>Council on Foreign Relations, *Terrorist Financing*, 5.

<sup>70</sup>David Childs defines soiled money as funds that are generated legally, such as the profits from legitimate businesses or charitable contributions, and subsequently used for illicit activities. David Childs, “Combating Terrorist Financing: A Key Aspect of the War on Terrorism,” Center for Defense Information (20 May 2005), 1.

<sup>71</sup>Skimming profits from legitimate business owned by Al-Qaeda has been another source of revenues. However, a great majority of bin Laden’s business assets were confiscated when he was forced to leave the Sudan. However, there is some evidence that Al-Qaeda continues to own a number of legitimate businesses, i.e. Al Hamati Sweet Bakeries and two honey businesses, Al Nur Honey Press Shops and Al Shifa Honey Press for Industry and Commerce in Yemen (Comras, 4). The European Intelligence Agency also believes bin Laden has or had business interest in Mombasa (fishing), Sweden (hospital equipment), Denmark (dairy products) and Norway (paper mills) (The European Intelligence Agency, *Al-Qaeda Infrastructure in the Sudan*, (The Hague, Netherlands: The European Intelligence Agency, 2001), 5.). It is

The backbone of Al-Qaeda's fund raising efforts is a worldwide network of Islamic charities, nongovernmental organizations, mosques, websites, fund-raisers, and banks that helped to finance the Afghanistan mujahideen.<sup>72</sup> The network raises funds directly from wealthy Persian Gulf Arabs, who are supportive of Al-Qaeda's Salafist ideology, or indirectly by tapping into the regular charitable donations (the *zakat*) that all Muslims make annually during Ramadan as part of their religious obligations.<sup>73</sup> In addition, Al-Qaeda has pragmatically trained and placed agents in legitimate Islamic charities and nongovernment organizations to direct funds from unknowing donors to Al-Qaeda front organizations. Gunaratna reports, "In the mid-1990s, the CIA estimated that fifty Islamic charities supported terrorists groups or employed individuals suspected of having terrorist connections."<sup>74</sup> In 2002, the Council on Foreign Relations reported that, "These charities and their various international branches and affiliates--along with the many others like them that have not yet been publicly designated or even privately discovered by intelligence agencies--have operated internationally, raising, moving, and holding money in numerous countries simultaneously."<sup>75</sup>

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believed, however, that many of these assets were liquidated after 9/11, and what remains do not constitute a major Al-Qaeda revenue source.

<sup>72</sup>Some sources have incorrectly identified bin Laden's personal wealth as a key source of Al-Qaeda financing. Although he received approximately \$1.0 annually from his billionaire Saudi family, the Saudi Arabian government and representatives of his family report that he was divested of his share of the family's wealth in 1994. In addition, his accumulated wealth took a significant hit when the Sudanese government confiscated an estimated \$20.0 million in assets when he was forcibly expelled from that country in May 1996.

<sup>73</sup>In many Muslim communities, the *Zakat* is given to prominent, trusted community leaders or institutions that disperse the collected donations to persons and charities they deem worthy. The system is largely unregulated, seldom audited, and often undocumented, allowing unscrupulous entities such as Al-Qaeda access to huge sums of money.

<sup>74</sup>Gunaratna, 83.

<sup>75</sup>Council on Foreign Relations, *Terrorist Financing*, 8. The Council identifies a set of specific charities: the Afghanistan-based Afghan Support Committee, the Pakistan-based Al Rashid Trust and Wafa Humanitarian Organization, the Kuwait-based Revival of Islamic Heritage Society, the Saudi-based Al-Haramain organization, and the U.S.-based Holy Land Foundation for Relief and Development as supporters of terrorist organizations, including Al-Qaeda.

As U.S. and allied intelligence services have cracked down on Islamic charities, Al-Qaeda has turned to other sources of revenue, primarily illegal, to generate needed operating income.<sup>76</sup> For example, prior to 9/11, Al-Qaeda relied heavily on credit card fraud in Europe. The operation, run primarily by Algerians trained by Al-Qaeda in the Afghan camps, purchased credit card manufacturing equipment, obtained card details from shops and restaurants, skimmed electronic data from cards bought from petty criminals and surfed the internet for card details. “Security and intelligence agencies estimate that nearly \$1 million a month is raised in this fashion.”<sup>77</sup>

Pressures mounted since 9/11 have forced Al-Qaeda to decentralize its illegal activities, relying more heavily on associate terrorist groups to generate their own funds. Victor Comras, a leading expert on international trade embargoes and economic sanctions, who once advised the United Nations on terrorist financing, indicates that Al-Qaeda affiliated “compartmentalized cells have become responsible for much of their own financial support. These local cells now operate autonomously, raising funds through local drug and cigarette smuggling, credit card fraud, coupon fraud and other petty crimes.”<sup>78</sup> Such funds are classified as “dirty money” or money from unlawful activities that is redistributed among legitimate institutions to disguise their origins. This give the impression that the funds are derive from legitimate transactions, thus hampering the ability of law enforcement authorities to track revenue flows.<sup>79</sup>

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<sup>76</sup>The criminal activities used by terrorists are varied and include drug trafficking, weapons smuggling, and illegal trade in diamonds and stones, Childs, 1.

<sup>77</sup>Gunaratna, 87.

<sup>78</sup>Victor Comras, “Al-Qaeda Finances and Funding to Affiliated Groups,” *Strategic Insights*, Vol. 1, Issue 1, (January, 2005), 5.

<sup>79</sup>United States General Accounting Office, “Terrorist Financing: U.S. Agencies Should Systematically Assess Terrorist’ Use of Alternative Financing Mechanisms,” (November 2003), 7.

Some analysts contend that the increased scrutiny placed on Al-Qaeda's financial network by Western intelligence services have forced Al-Qaeda to become more active in the international opium trade. Tim McGirk, a Kabul-based *Time* magazine reporter, suggested in January 2008 that, "U.S. and British counterterrorism experts say al-Qaeda and its Taliban allies are increasingly financing operations with opium sales. Antidrug officials in Afghanistan have no hard figures on how much al-Qaeda and the Taliban are earning from drugs, but conservative estimates run into tens of millions of dollars."<sup>80</sup> If true, this would mark a major shift in Al-Qaeda's illegal financial operations.<sup>81</sup>

## Moving and Managing Funds

Once revenues are raised, they are managed carefully by Al-Qaeda to assure that its financial assets are not lost or confiscated. The group follows five financial security principals: funds are divided between those used for sustainable investments (legitimate businesses) and those for operations; operational funds are only used to support operations; operational funds are not stored in one place, few in the organizations know the location of funds, and preset security protocols are followed when moving large amounts of money. In addition, to protect the organization's financial resources, money is often left with nonmembers, some unknowingly, and spent only when needed.<sup>82</sup>

Al-Qaeda moves funds through a diverse set of formal and informal mechanisms. Pre-9/11 Al-Qaeda was known to employ the international financial system, including the interconnected network of banks and other financial institutions that undergird the global

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<sup>80</sup>Tim McGirk, "Terrorist's Harvest", *Time Magazine*, (August 2, 2004) <http://www.time.com/time/printout/0,8816,50104080-674806,00.html> (Accessed January 17, 2008).

<sup>81</sup>The U.S. National Commission on Terrorist Attacks in the 9/11 Commission Report suggest that Al-Qaeda was not involved in illegal activities prior to the 9/11 attacks.

<sup>82</sup>Al-Qaeda, 46.



economy. As entry points, Al-Qaeda focused on using banking institutions in the Middle East—Dubai, the United Arab Emirates, Kuwait, Bahrain, and Lebanon. All of these countries had two things in common; they were close to the major sources of Al-Qaeda’s revenue generation and they were under-regulated jurisdictions, places with limited bank supervision, no anti-money laundering laws, ineffective law enforcement institutions, and a culture of no-questions-asked banking.<sup>83</sup> In addition, most of these banks operated under Islamic banking codes where depositor funds were comingled to form group investment funds, thus creating opportunities for anonymous money transfers and settlements.

Al-Qaeda, however, did not limit itself to this set of regional financial institutions. It also took advantage of the global financial system moving money through banks in Liechtenstein and the Bahamas using a complex set of shell companies. Offshore banks in these specific countries, protect the identity of individual accounts and do so unless there is overwhelming evidence that deposits are connected to illegal activities, evidence that is often difficult to obtain. As David Childs notes, “The burden of proof lies with the law enforcement agencies because national banking laws do not easily transfer from one state to another and actions that are deemed illegal by the United States may not be considered so overseas.”<sup>84</sup>

There is also evidence that Al-Qaeda in combination with its offshore banking operations had and continues to use the internet to move funds electronically. The internet provides a quick, anonymous, and relatively safe way to transfer large amounts of money. Safety lies in the fact that there are millions of legitimate public transfers made every day making tracking a logistical nightmare. In addition, there is no institution that regulates the internet and few national laws

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<sup>83</sup>Council on Foreign Relations, *Terrorist Financing*, 9.

<sup>84</sup>David Childs, “Combating Terrorist Financing: A Key Aspect of the War on Terror,” Center for Defense Information (20 May 2005), 2, <http://www.cdi.org/documentID=3024> (accessed 15 January 2008).

guide its use. Consequently, states have little incentive to allocate resources to scrutinize Internet banking.

## Use of Funds

Al-Qaeda uses funds in a variety of ways. For example, it has long supported the operations of the Taliban providing an estimated \$10 to \$20 million annually before its expulsion from Afghanistan. It is highly likely that this support, in more limited volumes, continues today. Al-Qaeda also continues to fund the salaries of member jihadists and the infrastructure needed to run the organization--training camps, airfields, vehicles, arms, and the development of training materials. According to the U.S. Department of Treasury's Office of Foreign Assets Control, the support infrastructure critical for indoctrination, recruiting, training, logistical support, the dissemination of propaganda, and other material support require substantial funds. Some funds are still believed to be used to support social and humanitarian programs to assist recruitment and gain the support of local populations in Northern Pakistan and elsewhere.

Surprisingly, support for terrorist's operations, possible the most publicized component of Al-Qaeda's activities, claims the smallest portion of the organizations cash flow. Both private researchers and U.S. government officials have, "pointed out that the estimated cost of the September 11 attack was between \$300,000 and \$500,000." Gunaratna, commenting on the cost of the attacks, suggests that, "the twenty 9/11 hijackers lived frugally, staying in budget motels, renting cheap cars and eating in pizza parlors and burger bars." He concludes, "From past Al-Qaeda operations it is clear that large amounts of cash are not of paramount importance to the success of a major terrorist strike provided the organization is meticulous and the operatives and committed and brave."<sup>85</sup>

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<sup>85</sup>Gunaratna, 86-87.

Al-Qaeda support of its 23 to 27 affiliated terrorist organizations is also limited. Financial support is typically limited to start-up funding and small operational grant support. Although only antidotal evidence is available, many believe that the efforts of the United States and its allies to interdict this system have likely reduced cash flows, resulted in increased pressure being placed by Al-Qaeda on its affiliated to become more self-sustaining. For example, in a letter intercepted in late 2005, Al-Qaeda deputy Ayman al-Zawahiri asked Abu Musab al-Zarqawi for \$100,000, stated, “many of the lines (of support) have been cut off.” John McLaughlin, a former CIA Deputy Director, when testifying before Congress suggested that the government’s success was attributable to the, “relentless grinding away at other essential components of the terrorist networks--the couriers, the facilitators, the fundraisers, the safe housekeepers, the technicians.”<sup>86</sup>

## Summary

Although Al-Qaeda’s organizational structure and operations have been severely constrained since 9/11, its core ideology, strength of recruiting and financial system remain a threat to the United States and its allies. Al-Qaeda’s distortions of Islamic theology have provided a simple yet effective message that has attracted thousands of disenfranchised Muslim youths and supporters to their cause. Bin Laden’s masterstroke is the organizational structure of Al-Qaeda. Sageman believes that bin Laden’s most brilliant organizational move, “...may have been to allow the global Salafi jihad network to evolve spontaneously and naturally, and not interfere too much with its evolution, except to guide it through incentives . . . and repeated pleas for Islamic unity. The system developed into a small-world network with robustness and flexibility.”<sup>87</sup> The evocative messages of Osama bin Laden living under austere conditions in Northern Pakistan and

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<sup>86</sup>Michael Jacobson, “Grading U.S. Performance against Terrorist Financing,” Policy Watch # 1280, Washington Institute for Near East Policy (5 September 2007), 1.

<sup>87</sup>Sageman, 137.

distributed globally over the Internet and Islamic television networks provide the impetus for a small yet dedicated portion of this young audience to commit to professional terrorist training.

The organizations continued presence in the Tribal Areas of Northern Pakistan will provide it the sanctuary it requires to continue training, arming, and supporting both direct and indirect terrorist operations either in Afghanistan or worldwide. The structure of Al-Qaeda training programs provides the military skills and personal commitment needed to maintain the closed tight knit integrity of the organization's cellular structure and to psychologically prepare members to pay the ultimate price, martyrdom, to defeat the United State and more moderate Islamic regimes. The complexity of the organization's financial network; its ability to tap into Islamic charities, nongovernmental organizations, and the *zakat*, one of the five pillars of Islam, to collect revenues; as well as its use of formal and informal banking systems that remain unregulated in much of the Middle East and South Asia to distribute financial support to affiliated terrorist organizations is and will continue to be a problem. Unless this financial collection and distribution system can be brought under acceptable international financial standards, Al-Qaeda will have the access to financial resources it requires to continue its global Salafist jihad.

## **CHAPTER THREE: U.S. NATIONAL CAPABILITIES BEFORE 9/11**

### **Introduction**

How one defines and approaches a problem is often determined by the tools one has to use. This is also true of nations where the quality and robustness of its national institutions –the military, national police services, intelligence community and diplomatic corps -- determine what can be done and how effective actions will be in dealing with external threats such as Al-Qaeda. Many of the U.S. institutions that were called on to respond to Al-Qaeda were forged during the Cold War, a period of intense bi-polar competition and conflict between two nation states, the United States and the Soviet Union. The U.S. the military was structured to engage and defeat conventional Soviet forces in Central Europe, the Federal Bureau of Investigation to ferret out Soviet spies intent on infiltrating key U.S. institutions, and the Department of State to negotiate bilateral and multilateral agreements with other nation states that limited the expansion of Soviet influence worldwide. Whether or not these institutions, forged in the bi-polar nation state environment of the Cold War, were capable of dealing effectively with the transnational, amorphous, religious-based threat that Al-Qaeda posed is of central importance to this inquiry. If we do not understand where we started, it is impossible to determine how we get to our destination, the ultimate defeat of Al-Qaeda and the long-term management of the global Salafist jihad that it represents.

The object this section is to explore the pre 9/11 U.S. governmental structure and institutional culture that would be called on to take the lead in the U.S. global war on terrorism. Unfortunately, it is beyond the scope and intent of this essay to examine the full range of the U.S. government response. Consequently, only those efforts mounted by key intelligence, military, and

diplomatic agencies will be explored.<sup>88</sup> The analyses will use only publically available information, not classified data. As such the analysis, especially as it relates to the U.S. intelligence and law enforcement communities, who by their very nature are valed in secrecy, may only be superficial and not capture the totality of the communities pre 9/11 structure or actions.

## **The Institutional Environment before the 9/11 Attacks**

The institutional relationships between the President, his executive departments, the Congress and the rules and regulations that sustained these relationships had a lot to do with how the United States responded to the growing threat posed by Al-Qaeda. Some analysts, benefiting from the power of hindsight, have criticized the U.S. response to Al-Qaeda. They cite the inability of the nation's political and institutional infrastructure to deal with emerging post Cold War threats as key to our inability to identify the Al-Qaeda threat and to muster the resources necessary to thwart it before it struck. They believe institutional rigidities inherent in the U.S. governmental structure inhibited the development of the required national counterterrorist strategy, retarded needed adjustments in agency structure and communications to carry it out, and undermined the Congressional leadership and budget appropriations essential to implement required changes. In essence, they charge that the U.S. was relying on Twentieth Century institutions that had proven so effective in dealing with the threats posed by Cold War era nation states to deal with Twenty-First Century problems posed by transnational, amorphous, cellular organizations like Al-Qaeda. To respond to these critics, one needs to look at the institutions

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<sup>88</sup>The analysis will focus on the Central Intelligence Agency and the associated intelligence community, the Federal Bureau of Investigation, the Departments of Defense and State, the White House and the U.S. Congress.

involved, how they evolved over time and assess their strengths and weaknesses on September 8, 2001.

## The Federal Bureau of Investigation

Prior to 9/11, the Federal Bureau of Investigation (FBI) committed the lion's share of its resource to carry out its criminal justice not its national security mission. In large part this was due to tradition and the demands placed on the Bureau by local law enforcement organizations for assistance in dealing with the growing drug, white-collar crime, and local criminal issues. In carrying out its national security functions, the Bureau had to overcome substantial and well-founded public and Congressional criticism. This criticism emanated from the Bureau's overzealous intelligence investigations during the 1970s of the civil rights and anti-Vietnam War protests. During the 1980s and 1990s, the Bureau, with some difficulty, retained its role as the lead U.S. agency for the investigation of foreign terrorists groups operating inside the United States.

As far back as 1993, following the first World Trade Center bombing, the Bureau was aware of the growing danger posed by international terrorism. However, the establishment of a new Counterterrorist Division in 1994 while recognizing the threat and the need to work closely with the Central Intelligence Agency's Counterterrorist Center received little support from the Bureau's division chiefs or its fifty-six field offices. These established units saw the new division as a competitor for scarce staff and financial resources. Even though the Bureau received increased budget allocations to beef up its counterterrorist operations, Philip Shenon believed that little of these additional funds found their way to their intended purpose.<sup>89</sup> As a result, both the

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<sup>89</sup> Philip Shenon, *The Commission: the Uncensored History of the 9/11 Investigation* (New York: Hachette Book Group, 2005), Electronic edition, 632.

Division and Bureau's 1998 five-year strategy that called for national and economic security, including counterterrorism, did not succeed. All parties involved in the failure blamed the other. For example, the 9/11 Commission reports that, "FBI, Justice, and Office of Management and Budget officials said the FBI leadership seemed unwilling to shift resources to terrorism from other areas such as violent crime and drug enforcement; other FBI officials blamed Congress and OMB for a lack of political will and failure to understand the FBI's counterterrorist needs."<sup>90</sup>

Internal squabbles were heightened by internal organizational and procedural issues. The FBI was organized around its fifty-five field offices, each headed by a special agent in charge (SACs). With substantial delegated power, SACs were free to commit the resources under their control to local criminal issues as long as they meet the overall Bureau numerical targets for arrests and convictions. Consequently, there was little support for counterterrorist training or operations. The focus on local rather than global crime inhibited the implementation of the five-year strategy, which called for improved intelligence collection; automation to improve data collection, analysis, and dissemination; and the creation of a professional intelligence cadre of experienced agents and analysts.

Operationally, to avoid duplication of effort, the Bureau relied on an "office of origin" system where individual field offices were charged to take the lead on particular types of investigations. For example, the excellent work done by the New York Field Office to bring the perpetrators of the first World Trade Center bombing to justice, meant that the office, not headquarters, was given significant responsibility for the Bureau's counterterrorist operations. This division of responsibilities inhibited communications between the New York field office and other fifty-five field offices. The link that should have tied information identified during field investigations across all the Bureau's field offices with the analysis and evaluation of emerging

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<sup>90</sup>U.S. National Commission on Terrorist Attacks, 76.



transnational terrorist trends conducted by headquarters and the New York field office did not operate as seamlessly as necessary. The lack of information sharing that resulted in part contributed to the Agency's failure to notice reports reaching headquarters in 2001 regarding Arab men participating in flight training prior to 9/11. Each field office had a piece of the puzzle, but no one put them together.

The Bureau, who had proven its substantial capabilities in dealing with domestic terrorism, like the first World Trade Center bombing, found their traditional investigate/litigate/incarcerate approach and the compartmentalization of case information upon which it was based limiting their capabilities to coordinate with other agencies. For example, a legal decision taken by the Department of Justice in its interpretation of the 1978 *Foreign Intelligence Surveillance Act*, which regulated intelligence collection, directed at foreign powers and agents limited the FBI's ability to share intelligence with criminal prosecutors. In 1995, Attorney General Reno issued specific guidelines, limiting how information could be shared between the FBI's intelligence and criminal sides of the house. In the words of the 9/11 Commission, "These procedures were almost immediately misunderstood and misapplied."<sup>91</sup> FBI agents could not share information generated within the agency nor accept *any* intelligence information gathered by other U.S. government intelligence agencies, such as the National Security Agency or the CIA. FBI field offices interpreted this ruling as placing a prohibition on the commingling of domestic information with foreign intelligence.<sup>92</sup> Inevitable, this placed an artificial "wall" between the FBI and other foreign intelligence agencies, as well as, placing prohibitions on the sharing information within the FBI. As Ronald Kessler describes the situation:

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<sup>91</sup>Ibid., 79.

<sup>92</sup>Ibid., 80.

The misinterpretations and over interpretations of the memo soon spread. Not only was the wall used to prevent FBI agents from sharing information with each other about the same case, it prevented the CIA and the NSA from sharing vital intelligence with the FBI. In effect, the U.S. government had tied itself in knots, preventing vital information from flowing to the people who needed to know it, and putting Americans at risk.<sup>93</sup>

The FBI's focus on law enforcement combined with internally imposed information restrictions, which they believed were necessary to assure that information captured under less stringent judicial guidelines would not taint domestic criminal prosecutions, left the Bureau with an institutional blind spot: one that Al-Qaeda inadvertently used to their advantage on 9/11.

## The Intelligence Community

In 1947, President Harry Truman signed the *National Security Act*, which amongst other things, created the position of the Director of Central Intelligence (DCI) and the Central Intelligence Agency (CIA). The Congressional debate over the new agency was intense. Some in Congress opposed the formation of the CIA fearing it might become a U.S. Gestapo. The FBI lobbied vigorously against the legislation believing the agency might eclipse some of its functions. The compromise reached by the concerned parties led to the CIA being assigned foreign intelligence, security and counterespionage functions, while the FBI retained a similar set of domestic responsibilities. To assure that the CIA did not overstep its mandate, it was accorded “no police, subpoena, or law enforcement powers or internal security functions.”<sup>94</sup>

The CIA was established as an independent agency responsible for collecting analyzing, and distributing all source foreign intelligence collected by it and other agencies within the

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<sup>93</sup>Ronald Kessler, *The Terrorist Watch: Inside the Desperate Race to Stop the Next Attack* (New York, NY: Crown Publishing Group, 2007), 21–22.

<sup>94</sup>*National Security Act of 1947*, Public Law, No. 80-253, § (102)(d)(3), codified at U.S. Code 50, § 403-3(d)(1).

national intelligence community.<sup>95</sup> Its principal customer was the President, who also had the power to authorize the Agency's covert operations. The DCI oversaw the operations of the CIA, but had little authority over the other fourteen U.S. government agencies that make up the community. While he or she was responsible for stating the community's priorities and coordination budget formulation, the DCI had neither line authority over the other agencies, or the power to shift resources within their budgets as circumstances dictate. The DCI's power was derived from his relationship with the President, which waxed and waned over the years. Given the duplicity and overlap of functions within the intelligence community over the years, each member agency often found themselves jockeying for scarce federal resources, exhibiting adversarial rather than cooperative tendencies. Following the close of the Cold War and subsequent budget cuts, which effected international affairs, these rifts, became more evident with tensions between the CIA and the Defense Department's intelligence agencies, and between the CIA and the FBI hardened.

In the lead up to the 9/11 attacks, there is little doubt that the CIA played the lead role in monitoring, analyzing and interdicting, where possible, Al-Qaeda's field operations. Specific management structures and procedures, however, within the Agency, combined with the above rifts, inhibited performance. For example, like the FBI, the CIA was field- based providing significant delegations of authority to their stations chiefs located in U.S. Embassies worldwide.

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<sup>95</sup>The national intelligence community is composed of the CIA; eight Department of Defense agencies, the Defense Intelligence Agency (DIA) which supports the Secretary of Defense and the Joint Chiefs, the National Security Agency (NSA) responsible for interception and analyzing foreign communications and breaking codes, the National Geospatial-Intelligence Agency (NGA) responsible for collecting and analyzing imagery and the production of maps, navigation tools and surveillance intelligence, the National Reconnaissance Office (NRO) which develops, procures, launches, and maintains orbital information gathering satellites, the intelligence components in each of the four services, the Army, Navy, Marines and Air Force, responsible for serving the intelligence needs of their service chief; the national security components of the FBI and the Departments of Treasury and Energy; the State Department's Bureau of Intelligence and Research; the U.S. Coast Guard's Office of Intelligence; and, the Directorate of Intelligence Analysis and Infrastructure Protections in the Department of Homeland Security.

The development of this strong field presence influenced home office management, where senior managers defined their role as supporting the field, not necessarily managing its operations. For example, when the CIA's Deputy Director for Operation was interviewed by the National Commission, he indicated, "The field had the lead in managing operations. The job of the headquarters . . . was to support the field, and to do so without delay."<sup>96</sup> While effective in dealing with individual threats within a specific country, this system did not work well in dealing with transnational threats, like Al-Qaeda, that jumped from country to country. The lack of effective communications between field offices and the inability to share information between the agency and domestic intelligence organizations, the "wall" discussed above, led to the failure to identify and track some of the 9/11 terrorists when they meet in Malaysia, traveled on to Thailand and eventually entered the United States on visas issued by the State Department.<sup>97</sup>

Throughout its seventy-year history, other domestic events have shaped the way the CIA conducted its business. Rebounding from inappropriate and illegal government information gathering operations during the Watergate era, Congress passed the *Hughes-Ryan Amendment* requiring presidential authorization and reporting to Congress on any covert action conducted by the CIA. Some interpreted the Congressional action as a veiled way of sending the CIA the message that covert operations often led to trouble and could threaten one's career.<sup>98</sup> This message was reinforced in the 1980's when several senior officers of the Clandestine Service were indicted for their actions in the Iran contra affair. These actions led to growing tensions during the 1990s between policy makers and CIA senior managers; the latter wanting the CIA to

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<sup>96</sup>U.S. National Commission on Terrorist Attacks, 355.

<sup>97</sup>Ibid., 355 -357.

<sup>98</sup>Ibid., 90.

engage in more aggressive clandestine actions against at Al-Qaeda, while the former cautioned restraint until the legal and presidential authorizations were in place.

The DCI's relationship with the President and the daily executive intelligence brief he provided to him placed considerable pressure on Agency analysts to come up with fresh reports that could be shared with policy makers on a daily basis. As the influence of the internet and 24-7 news networks exploded during the 1990's pressure on analysts to performed increased. These pressures forced analysts to focus on the now, not the longer-term all-source analysis necessary to fully understand nebulous but growing worldwide threats, like Al-Qaeda. Finally, concerns that originated during the Cold War regarding the presence of Soviet "moles" within the CIA feed a culture of secrecy and compartmentalism that inhibited information sharing. This culture was strengthened in the 1990s with the revelation that Aldrich Ames, a CIA analyst who sold information on the names of U.S. agents and operatives to the Soviet Union to sustain a lavish life style, had been protected from exposure by the Agency for years.<sup>99</sup> These and other trends, especially the budget cuts sustained after the end of the Cold War,<sup>100</sup> left the CIA, according to the National Commission

“...capable of attracting extraordinarily motivated people but institutionally averse to risk, with its capacity for covert action atrophied, predisposed to restrict the distribution of information, having difficulty assimilating new types of personnel, and accustomed to presenting descriptive reportage of the latest intelligence. The CIA, to put it another way, needed significant change in order to get maximum effect in counterterrorism.”<sup>101</sup>

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<sup>99</sup>Ibid., 91.

<sup>100</sup>In testimony before the Congress' Joint Inquiry into the /11 attacks in October 2002, CIA director George Tenet informed Congress that during the previous decade the CIA's budget had been cut 18 percent after inflation, employees had declined 16 percent and its covert operations curtailed an additional 25 percent. Kessler, *The Terrorist Watch*, 83.

<sup>101</sup>U.S. National Commission on Terrorist Attacks, 93.

When combined with the overall lack of central management and direction provided to coordinate the efforts of the intelligence community's loose federation, this "left open the question of who really was in charge of the entire U.S. Intelligence effort."<sup>102</sup>

## The Department of Defense

The Department of Defense (DOD) is massive, consuming an annual budget larger than the GDP of many developed nations. It consumes 80 percent of annual intelligence appropriations. The Department is a joint civilian-military agency with the military wing headed by the Joint Chiefs of Staff, representing each of combatant services. They are answerable to a civilian secretary, who is responsible for setting policy and overseeing the Department on behalf of the President, the constitutionally mandated Commander in Chief. With a long tradition of proud service to "God and country", the DOD was prior to 9/11 plagued by intense interservice rivalries over resources and weapons platforms, the roles and mission of individual services in warfighting and which service would ascend to leadership posts within the DOD. As the services rebuilt and reorganized after the Vietnam War, it became evident that this intense competition was both wasteful and disruptive. The *Goldwater-Nichols Act* of 1986, which was designed to improve the performance of the DOD, dramatically changed the structure of the military. The act centralized operational authority through the Joint Chiefs rather than the service heads, designated the chairman as the president's, the National Security Council's and the Secretary of Defense's principal military adviser, and streamlined the chain of command from the president through the secretary to regional competent commanders, responsible for different areas of the world. These structural changes were strengthened by the requirement that all officers who sought promotion to a higher rank had to spend some time working within a different service or with a

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<sup>102</sup>Ibid., 207.

joint command. Gordon Lederman in his analysis of the effects of the law notes that the simple changes in the service's promotion system had a strong and immediate effect, loosening the ties that officers had to their respective service and forcing them to think more about the needs of the military establishment, as a whole rather than their own service.<sup>103</sup>

Complementary changes in the planning and command responsibilities of the services enhanced these cultural adjustments. Subsequent decisions to transfer the planning and command functions held by the individual service chiefs and their staffs in Washington to the joint and unified commands, especially those for Strategic Forces and the four regional commands; Europe, the Pacific, the Center, and the South, opened highly sought after positions outside Washington for ambitious officers and balanced the influence once exclusively held by the service chiefs with that of the five regional commanders.

While these actions reorganized the structure, incentives, and effectiveness of the military, warfighting doctrine remained focused on the requirements needed to fight and defeat a conventional enemy, i.e. the Soviet Union, rather than those required to win "small irregular wars" such as those the British experienced in Malaysia or the U.S. in Vietnam. John Nagl, in his thoughtful analysis of the military's ability to learn, noted that, "the post-Vietnam army intentionally turned away from the painful memories of the Vietnam experience to focus on the kind of wars it knew how to fight and win: conventional warfare in Europe against the conventional armies of the Soviet Union."<sup>104</sup> This discomfort was heightened by set of embarrassing failures that brought special operations or operations other than conventional deployment under question. For example, attempts to deploy special operations units to free U.S.

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<sup>103</sup>Gordon N. Lederman, *Reorganizing the Joint Chiefs: The Goldwater-Nichols Act of 1986* (Westport, CT: Greenwood Press, 1999), 247.

<sup>104</sup>John A. Nagl, *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam* (Chicago, IL, University of Chicago Press, 2002), 206.

Embassy hostages held in Tehran in 1980 led to disaster and the hostages remained in captivity for an additional year and a half. The inability to maintain “force protection” of Marines stationed at the Beirut Lebanon Airport to bring war torn Lebanon back to some sort of stability led to the death of 342 Marines at the hands of Hezbollah suicide attackers and the subsequent withdrawal of all U.S. troops. Again in 1993, U.S. forces sent to safe guard humanitarian efforts in Somalia were withdrawn after Special Forces attempted to capture the vicious warlord, Mohammed Farrah Adid, at the cost of two Black Hawk helicopters, sixteen Americans dead and seventy-three wounded. These incidents viewed by millions of Americans over the expanding 24-hour news channels painted a picture of military incompetence, which was far from the truth. These incidents and the negative publicity that resulted only hardened the belief of conventional warfighting proponents that the risk of daring exploits without maximum preparation, overwhelming force, and a well-defined plan were unacceptable. They suggested to the military establishment that if the military was to have a role in counterterrorist operations, it would be a traditional role--to act against state sponsors of terrorism rather than the terrorists themselves.<sup>105</sup>

The deeply held views, which only supported involvement in conventional war, whether with belligerent nation states or those who supported terrorists, came to the fore when Al-Qaeda attacked the U.S. Embassies in Nairobi and Dar es Salam. Some officers were keen to support whatever action against Al-Qaeda that was sanctioned. The National Commission reported that the Special Operations Command worked on plans to use Special Operations Forces in Afghanistan, but the orders for deployment never came. The military command structure, especially the Joint Staff and the leadership at Central Command were not enamored with the idea, sighting the 1998 attacks on Al-Qaeda training camps which followed the East African embassy bombings as “a waste of good ordnance and thereafter consistently opposed firing

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<sup>105</sup>U.S. National Commission of Terrorist Attacks, 97.



expensive Tomahawk missiles merely at ‘jungle gym’ terrorist training infrastructure.”<sup>106</sup> While the Pentagon leadership including the Secretary and the Chief of the Joint Staff were willing to plan out options, they made it abundantly clear that they were opposed to putting U.S. servicemen and women in harm’s way unless there was credible intelligence about a looming threat: and there was none. This guaranteed that top DOD leadership gave their principal attention to other things, not counterterrorist operations.

## The Department of State

The State Department’s (DOS) major goal is to advance national security, safeguard and promote the U.S. foreign policy interests abroad, and champion the basic values upon which the United States is founded: peace, freedom, human rights, democracy and economic growth. It is organized hierarchically, headed by the Secretary of State, who guides the agency’s 184 embassies and missions overseas through six Deputy Assistant Secretaries, each in charge of a global area of the world. In each country where there is U.S. representation, the U.S. Ambassador represents the President and the Secretary in foreign policy discussions with local leaders. The Ambassador is assisted by a “country team” composed of the heads of each department in the Embassy as well as representatives of all U.S. government agencies having residential programs in the country. The “country team” typically includes directors for the Embassy’s political, economics, and administrative sections and representatives from the U.S. military’s attaché service, the CIA, the Departments of Agriculture, Commerce and Labor, the local Peace Corps representative and the country director of the U.S. Agency for International Development.

Until the late 1950s, the Secretary of State was the President and Congress’s chief foreign policy adviser. In 1947, this position began to erode with the establishment of the National

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<sup>106</sup>Ibid., 351.

Security Council. Largely at the urging of the Department of Defense, the Council provided the DOD with a platform to object to foreign policy determinations reached by State that they thought were beyond U.S. government capabilities.

A major blow to State's dominance in the foreign policy arena came in the 1960s when both Presidents Kennedy and Johnson turned to Defense not State, as the key adviser in the execution of the Vietnam War. This trend continued during the 1970, when President Nixon relied almost exclusively on the strengthened National Security Council, under the able chair of Henry Kissinger, for his foreign policy advice. Early efforts by State to manage counterterrorism policy came to an abrupt halt in the early 1980s, with State's failure to negotiate extrication of the fifty-three Americans held in the U.S. Embassy in Tehran. State's inability to negotiate release of the hostages forced then President Carter to turn to the National Security Council and his assertive national security advisor, Zbigniew Brzezinski, to take charge. Subsequent Secretaries, who often tried to exert State's role in counterterrorism, were often opposed by Defense or elements within the department itself.<sup>107</sup> State's cadre of Deputy Assistant Secretaries, each charged with managing a geographical regional, guarding their bureaucratic boundaries judiciously. Because of their focus on regional affairs, they often find themselves at odds with the Secretary on global issues such as counterterrorism, especially if the issue could have resource implications for his or her program.

Even though the Secretary of State retains considerable influence with the President, his and the Department's power within Washington inner circles has waned. The 9/11 Commission reported that, "State came into the 1990s overmatched by the resources of the other departments

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<sup>107</sup>Secretary George Schultz advocated for active U.S. efforts to combat terrorism, often recommending military intervention. The Secretary of Defense, Casper Weinberger, as well as, the powerful regional bureau chiefs within State often opposed these efforts and Schultz typically gained little headway.

and with little support for its budget either in the Congress or in the president's Office of Management and Budget.”<sup>108</sup> Responding to these shifts, leaders within the countries where DOS ambassadors served began approach other elements of the “country team”, the CIA station chief or the defense attaché, not the more traditional route, the ambassador, to contact U.S. government agencies directly. Increasingly, the embassies themselves were overshadowed by powerful regional (*ed.* military) commanders reporting directly to the Pentagon. This subtle and often contentious shift in power left the Secretary of State with limited influence in the Washington policy formulation process. Bob Woodward's description in his book, *Plan of Attack*, of Secretary of State Colin Powell's ability to influence decisions about the Afghan and Iraq invasions highlighted the environment within which the Secretary operated.<sup>109</sup> His use of terms like “in the refrigerator,” “frozen out” and “thinking tactically not strategically” colorfully illustrate the isolation of the Secretary from the President, in part because of positions taken by the Department of Defense and the National Security Council.

Both the current structure of the Department of State and its competitive relationship with the Department of Defense has interfered with the joint civil-military planning and operational efforts necessary to defeat Al-Qaeda and deal with the longer-term question of the growing global Salafist jihad. For example, the DOS is organized to deal with other nation states, not organizations like Al-Qaeda, which many viewed, “as a loose, far-flung, nebulous conspiracy with no territory, citizens or assets that could be readily attacked, over whelmed or destroyed.”<sup>110</sup> The power of State's regional bureaus over resource allocation tended to isolate efforts to develop a civilian counterinsurgency strategy, which must coordinate the inputs from the wide variety of

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<sup>108</sup>U.S. National Commission on Terrorist Attacks, 94.

<sup>109</sup>Bob Woodward, *Plan of Attack* (New York, NY: Simon and Schuster, 2004), 79 and 149.

<sup>110</sup>U.S. National Commission on Terrorist Attacks, 348.

U.S. government departments - like Agriculture, Treasury, and the Agency for International Development - at an equal level with those of the U.S. military. Finally, the competitive relationship between Defense and State clouded the issue of who was in charge during prolonged overseas operations especially after conventional operations were finished and sustainment and transformation operations began. This uncertainty over the role of the theater commander and the ambassador was to have serious consequences in Iraq

## The White House

Dealing with terrorism, like that promoted by Al-Qaeda, falls outside the bounds of any one element of the U.S. government. Since President Reagan, each president has approached the threat differently with, “Coordinating structures . . . created by each president to fit his administrative style and the perceived level of threat.”<sup>111</sup> Executive Orders and other presidential determinations, such as the structure and involvement of the NSC, the foreign intelligence advisory apparatus, and intelligence oversight can be changed by subsequent administrations.<sup>112</sup> New powers and restrictions on executive department actions can be imposed by each administration. Many of the actions have been formalized in a series of presidential decisions some public and others classified. By 2001, this system, personalized to fit the interests and intent of the president, had assigned 46 different federal agencies with some type of responsibilities for dealing with terrorist incidents.<sup>113</sup>

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<sup>111</sup>Center for Defense Information, “Presidential Orders and Documents Regarding Foreign Intelligence and Terrorism,” (17 June 2002): 1-2. <http://www.cdi.org/terrorism/presidential-orders.cfm> (accessed 27 January 2008).

<sup>112</sup>Different presidents had different names for these directives. For example, President Clinton called them Presidential Decision Directives, while George W. Bush called them the National Security Policy Directives.

<sup>113</sup>Center for Defense Information, 2.

Following a rapid increase in state sponsored terrorist incidences in the late 1970s and early 1980s, President Reagan issued a series of National Security Decision Directives (NSDDs) which placed the coordination of counterterrorism policy squarely under the purview of the Oval Office. His 1982 NSDD #30 created a coordinating body, the Interdepartmental Group on Terrorism, to design and coordinate responses to armed attacks on U.S. citizens and assets and assigned lead action responsibilities to specific federal agencies (i.e. international terrorist incidents outside the U.S. to the State Department, terrorist act within the U.S. to the Department of Justice, etc.). To coordinate these agencies and others involved in a specific attack, the PSDD established a Terrorist Incident Working Group with representatives from the Departments of State and Defense, the DCI, the FBI, the Federal Emergency Management Agency (FEMA), and the president's National Security Staff. Following the Beirut terrorist bombings in 1983, the President issued NSDD #138, much of which is classified, which permitted the CIA and FBI to form and use covert and military special operations teams, as required, to deter covert or overt terrorist threats. Reportedly this directive, "permits pre-emptive operations, retaliation, expanded intelligence collection, and when necessary, killing of guerrillas in 'pre-emptive' self-defense. States that sponsored guerrillas, or what today would generally be lumped under the term terrorists, could be targeted for operations."<sup>114</sup>

Unfortunately, the authorities in these two PSDDs were used by the Iran-Contra co-conspirators to circumvent legislation, making it illegal to assist the Contra guerrillas in Nicaragua, a group that President Reagan supported. With the assistance of the president's National Security Advisor, the co-conspirators planned to sell U.S. government owned weapons to the Iranian government at substantial discount in exchange for the release of the U.S. Embassy hostages. The clandestine proceeds from the deal were then to be used to support the Contras in

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<sup>114</sup>Ibid., 3.

contravention of U.S. law. When uncovered in 1986 and 1987, the massive scandal and resulting investigation led to the indictment of the National Security Advisor, his deputy, a staffer and ten other CIA clandestine operatives. The sorted affair had negative consequences for presidential efforts to organized and support interagency counterterrorist efforts. “The investigations spotlighted the importance of accountability and official responsibility for faithful execution of the laws. For the story of 9/11, the significance of the Iran-Contra affair was that it made parts of the bureaucracy reflexively skeptical about any operating directive from the White House.”<sup>115</sup>

As the position of the president’s National Security Advisor became more powerful, first under President Carter then Reagan, both the functions of the Advisor and the National Security Council, became more structured. The Advisor became responsible for developing recommendations and drafting presidential directives, which were then worked through the NSC’s interagency committee structure, composed of departmental representatives at the assistant secretary level or just below, for review and concurrence. Although the name of the committee that dealt with counterterrorist matters changes over time,<sup>116</sup> membership remained relatively constant and rather exclusive, including representation from the Departments of State and Defense, the CIA, the FBI and more recently the Department of Homeland Security. Departments, like Justice and Transportation, that were to play a key role in actions following the 9/11 attacks were typically excluded.

When President Clinton took office in 1993, he decided to take a greater role in counterterrorism and chose to coordinate all efforts from his office. In his 1995 State of the Union speech, he promised, “comprehensive legislation to strengthen our hand in combating terrorism,

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<sup>115</sup>U.S. National Commission on Terrorist Attacks, 99.

<sup>116</sup>Under President Reagan the committee was called the Interdepartmental Group on Terror, under President Clinton the group was renamed the Counterterrorism Security Group.

whether they strike at home or abroad.”<sup>117</sup> during the following year, he submitted legislation to extend federal jurisdiction over terrorists, make it easier to deport terrorists and act against terrorist fund-raising. Following the Tokyo subway sarin nerve gas attack by the terrorist group, Aum Shinrikyo, which killed twelve and injured thousands and the bombing of the Murrah federal building in Oklahoma City, he proposed amending his previous submission. The revised directive increased the FBI’s wiretapping and electronic surveillance authority, forced all explosive manufacturers to add a traceable chemical tag to their products, and requested increased federal support to the FBI, CIA and local police enforcement, a key element in detecting and interdicting terrorist attacks within the United States. In 1996, he identified terrorism as the number one threat facing the country and at the urging of his National Security Advisor, Sandy Berger, requested that the CIA prepare a daily report summarizing the agency’s overnight intelligence on bin Laden’s activities.<sup>118</sup> In 1998, following bin Laden’s *fatwa*, which proclaimed war on Jews and Crusaders, i.e. the United States for its military presence in Saudi Arabia and foreign policy efforts to blunt Iraq’s dictator, Saddam Hussein,<sup>119</sup> he issued two Presidential Decision Directives (numbers 62 and 63). In addition to identifying ten counterterrorism program areas, the directives strengthened prevention capabilities to deal with attacks on critical infrastructure and cyber systems and enhanced the authorities of the NSC’s new Office of National Coordinator for Security, Infrastructure Protection and Counterterrorism.<sup>120</sup>

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<sup>117</sup>William J. Clinton, “State of the Union Address,” (January 1995). <http://www.infoplease.com/t/hist/state-of-the-union/208.html> (accessed 27 January 2008).

<sup>118</sup>Philip Shenon, *The Commission: The Uncensored History of the 9/11 Investigation* (New York: Hachette Book Group, 2008), 19.

<sup>119</sup>Osama bin Laden, “The World Islamic Front”, in *Messages to the World: The Statements of Osama bin Laden*, ed. Bruce Lawrence (London and New York: Verso, 2005), 58-62.

<sup>120</sup>PDD 62, which is partially classified, focused on who would be responsible for providing what services in the case of a terrorist attack and which federal agencies would be responsible to train local first responders to deal with conventional terrorist’s attacks and those involving weapons of mass destruction.

During the twenty years prior to the 9/11 attacks, four U.S. presidents had become increasingly aware of the growing terrorist threat. In their unique individual manner each tried to strengthen the government's capacities to deal with an attack and coordinate the nation's response. Each president accepted the overall architecture of the national executive system, attempting only to adjust capabilities and relationships at the margin to deter the probability or deal with the consequences of another terrorist attack. In retrospect, this was a tactical approach to deter a given attack, not the strategic reassessment of federal roles and responsibilities required to deal with the type of transnational terrorism being preached by Al-Qaeda.

## The U.S. Congress

In 1977, the House and Senate created select committees to provide oversight of the executive branch's conduct of intelligence operations. These committees had limited authorities. For example, the committees did not have jurisdiction over the nation's intelligence agencies, the CIA, FBI and the DOD's intelligence agencies, nor did they control budget formulation or authorization. This authority fell under the jurisdiction of the Appropriations committees. Jurisdiction over the intelligence agencies within the DOD, which consume 80 percent of the nation's annual intelligence budget, fell under the Armed Service committees, with the Senate committee having additional jurisdictional duties over the CIA. Membership on each the House and Senate Intelligence committees was limited under rules imposed by each chamber. Given the breadth and complexity of oversight duties, these time limits are thought by many to have inhibited the development of insight and forethought to perform oversight responsibilities effectively.<sup>121</sup>

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The White House, "Fact Sheet: Combating Terrorism: Presidential Decision Directive 62" (22 May 1998) <http://www.fas.org/irp/offdocs/pdd-62.html> (accessed 27 January 2008).

<sup>121</sup>U.S. National Commission on Terrorist Attacks, 103.



The inherent weaknesses in the division of oversight and budget authority where to have important consequences for counterterrorism efforts within the U.S. government. For example, during the 1980s and 1990s there was keen awareness within key departments of the U.S. government that the threat posed by transnational terrorist organizations, such as Al-Qaeda, were on the rise. The advent of new digitized technologies, increasing demands for imagery to track terrorist activities, and the improved capabilities of transnational terrorist groups to rapidly adjust procedures to foil improving counterterrorist intelligence techniques cried out for additional federal funding and reorganization. In 1996, a presidential commission examining the future of the intelligence community came up with a comprehensive set of recommendations to improve the nation's capabilities to thwart the growing transnational terrorist threat. Heading their list was the expansion of the authorities of the Director of Central Intelligence, the head of the CIA, to provide him or her with personnel and budget authority over all agencies within the intelligence community. Not surprising, the Department of Defense and its Congressional authorizing committees opposed the recommendations. The stalemate was broken by a compromise with the DCI receiving only consultative authority, and the establishment of new Deputy DCI positions for management and analysis. These changes did little to reestablish the authority of the DCI, which had been tarnished in the early 1990s when the CIA's new imagery and mapping capabilities had been transferred to the DOD.

In their assessment of Congressional capabilities and actions leading up to the 9/11 attacks, the National Commission highlighted a number of Congressional trends that inhibited the development of an aggressive legislative approach to counterterrorism. First, Congress always exhibits a strong bias for domestic affairs. Consequently, it normally did not originate policy or legislation but reacted to foreign policy and national security issues only after they have been identified and articulated by the administration. In the absence of a strong push by the

administration, national security remained a low Congressional priority. Second, the Congress typically followed the lead of the president on budget issues effecting national security. Following the end of the Cold War, this meant that the president's Office of Management and Budget's recommendations to cut military, intelligence and foreign affairs funding were uncritically accepted by Congress. The ramifications of these cuts on the institutional capabilities of the nation's military, intelligence, and foreign affairs infrastructure and the cadre of experienced professional officers that manned these institutions was severe. These effects are still being felt today. Third, the Congress did not reorganize itself to deal with the new treats that arose with the end of the Cold War. This meant that the Congress continued to handle traditional issues of defense, intelligence and foreign affairs with the old and outdate Cold War committee structure. This assured that issues, such as transnational terrorism, fell between the cracks with limited consideration being focused on the development of an integrated approach required to deal with the growth of transnational terrorist threat. Fourth, over time the unglamorous but essential aspects of intelligence oversight were pushed aside by more publicity rich personal investigations that eluded scandal. Fifth, political imperatives focused on the needs of the public not the terrorist threat drove Congressional agenda setting. For example, oversight responsibilities for aviation focused on airport congestion and delays, not aviation security. Congressional debates on illegal immigration revolved around illegal entry to the U.S. over the Southwest boarder, not on terrorist entry.<sup>122</sup> This led the National Commission to conclude that in the build-up to the 9/11 attacks, "the overall level of attention in the Congress to the terrorist threat was low . . . Terrorism was a second- or third-order priority within the committees of Congress responsible for national security."<sup>123</sup>

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<sup>122</sup>Ibid., 104-106.

<sup>123</sup>Ibid., 107.

## Summary

The complex institutional architecture of those national agencies responsible for dealing with the emerging transnational terrorist threat is a blend of individual acts of dedication and public service to deter terrorist coupled with isolated awareness of the growing threat. Consequently, the complex and mammoth federal structure was focused on guarding its own bureaucratic ramparts rather than rewarding creative counterterrorism problem solving. This resulted in institutional competition and rigidity, which favored only marginal changes, rather than the non-marginal reforms required to overhaul the entire system.

This institutional malaise had real consequences. For example, we have seen that during the 1990's certain agencies within the U.S. Government were aware of Al-Qaeda operations. However, as the CIA gained a clearer view of Al-Qaeda operations and understood more about the importance of the organization's sanctuary in Afghanistan they were caught in a quandary. While Al-Qaeda operations had killed 50 Americans in terrorist attacks, such as those targeted on the East African embassies, the Kobar Tower in Saudi Arabia and the *USS Cole*, the U.S. government did not mount the kind of effort required to confront Al-Qaeda. One school of thought saw Al-Qaeda as a nuisance threat that killed a score of Americans every twelve to eighteen months. There was little public concern about terrorists and Congress and the media paid little attention to groups like Al-Qaeda. Consequently, the issue of what to do about Al-Qaeda never rose to the level of a national policy debate. Even if it had, with the disjointed evidence available, it was highly unlikely that the U.S. would have authorized the covert or open invasion of Afghanistan that would have been required to destroy Al-Qaeda. To many, this action seemed to be disproportional to the threat that Al-Qaeda posed at the time. As the 9/11 Commission commented, "It is hardest to mount a major effort while the problem still seems minor."<sup>124</sup> Because there was no open debate of lesser options, policymakers turned exclusively to the CIA to undertake covert actions, which were focused at the tactical not strategic level, to implement policy. While possibly inhibiting the growth of the threat, it did not diminish it and in some ways may have averted attention away from Al-Qaeda's growing capabilities.

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<sup>124</sup>Ibid., 350.

## **CHAPTER FOUR: THE SHORT TERM RESPONSE--A PRELUDE TO A LONG WAR OR REVENGE?**

### **Introduction**

Immediately after Al-Qaeda's attacks, the U.S. Government mobilized for action. The skies over the United States were clear of all aircraft, U.S. borders and the nation's financial markets were closed, efforts to round up suspected Al-Qaeda collaborators were underway, and the U.S. military was activated and asked for approval to begin planning for how they would depose Al-Qaeda from its Afghan sanctuary. When the dust settled and the inevitable after action efforts began assessing how effective the U.S. Government had been in dealing with the emergency, a number of deficiencies came to the fore.

The most glaring was the inability of the intelligence and law enforcement communities to share information and analysis, and the failure to share information across the divide that separated the foreign and domestic agencies of the government. These compounded problems associated with the lack of coordination between the military and civilian agencies required to bring the full spectrum of foreign policy instruments--military, diplomatic, informational and economic -- to bear on defeating Al-Qaeda. While each agency involved - the police, intelligence, diplomatic, military and development communities--had managed their own resources to maximize their impact on defeating Al-Qaeda, it became clear that the structural and interconnectivity problems discussed above constrained the achievement of the government's overall goals: the ultimate defeat Al-Qaeda and the containment of the larger global Salafist jihad that it represented. The 9/11 Commission Report likened the situation to, "a set of specialists in a

hospital, each doing tests looking for symptoms and prescribing medications. What is missing is the attendant physician who makes sure they work together as a team.”<sup>125</sup>

In the previous section, we explored the capabilities of Al-Qaeda to attack U.S. citizens and assets. We looked at the more troubling longer-term danger of a global Salafist *jihad* that could generate an unlimited number of jihadist terror cells worldwide to mount a continuous *jihad* endangering the United States and its Muslim and secular allies. This section explores how the key U.S. institutions dealt with the immediate Al-Qaeda threat and how the speed of that response may have limited overall effectiveness. In addition, it looks at what we as a nation have learned from this experience and what changes were initiated to improve the effectiveness in the ongoing fight. The section concludes with an assessment of the sufficiency of these changes in light of the longer-term dangers posed by the global Salafist *jihad*.

## **The Immediate Response**

### **Day One**

Within twenty-four hours of the first aircraft hitting the World Trade Center, the U.S. government had begun to mobilize its considerable powers, first to identify the extent of the threat and second to retaliate against the aggressor. On day one, the U.S. military went to Defense Condition 3, and all borders and ports were closed. U.S. airspace was cleared of all non-military and emergency aircraft were grounded. The Immigration and Naturalization Service (INS) working with the Federal Bureau of Investigation (FBI) began detaining persons of interest and the CIA had tentatively identified the aggressor as Al-Qaeda. That evening, the President went on

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<sup>125</sup>U.S. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: Barnes and Noble, 2004), 6.

national television to address the U.S. public. After identifying the first priority as assisting those who were injured and protecting against further attacks, he went on to say, “We will make no distinction between the terrorists who committed these acts and those who harbor them . . . No American will ever forget this day.”<sup>126</sup>

Following the broadcast, the president convened the National Security Council involving the principals and representatives from the Department of Transportation (DOT) and the Federal Emergency Management Administration (FEMA) to go over the events of the day. At the close of the meeting, he requested his principal advisors to remain. In this closed meeting, the President said it was time for self-defense and reiterated that the U.S. would punish both the attackers and the nations that harbored them. The meeting discussed the attack as an opportunity to engage China and Russia, and pass a clear message to Pakistan, Afghanistan and the Arab States that this was the time to act. Of particular importance was the portion of the meeting that discussed what actions might be needed to begin building a coalition to support future actions, solicit suggestions on which nation might be responsible (Iraq, Afghanistan, Libya, Sudan and Iran); and determine what evidence would be needed to make a decision on who was the attacker.

## Week One

By the end of the first week, actions naturally began to partition themselves into three broad categories; those to deal with the emergence, those to protect the United States, and those to punish the aggressor. On the national front, steps were taken to organize federal emergency assistance, establish victim compensation, and determine the level of federal assistance was to be offered. Additional actions restored civil aviation to a nonemergency status, reopened the nation’s financial markets, returned boarder and port security to normal operations, and developed a

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<sup>126</sup>Ibid., 326.

bailout package for the airline industry, including a cap on liabilities. The *2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorists Attacks on the United States* was signed into law making emergency supplemental appropriations available to support emergency responds to the attacks and provided assistance to victims families.<sup>127</sup> Calls made by the Secretary of State to fifty-eight of his foreign counterparts resulted in offers of general assistance, search and rescue equipment and personnel, and medical assistance teams.

To consolidate and strengthen home defenses, the first draft of the *U.S. Patriot Act* was completed. The act removed “the Wall” on information sharing between the intelligence and law enforcement communities. The President also provided written tasking instructions that placed the responsibly for developing a plan for homeland security with the CIA, FBI and the Department of Justice (DOJ) and authorized broader new authorities for the CIA. Discussions began on the formation of a new White House entity, a homeland security advisor and Homeland Security Council--paralleling the NSC--to coordinate all relevant domestic agencies involved in protecting the U.S. against further attacks.

The president released an amended national security strategy (in draft prior to the 9/11 attacks) that abandoned the concepts of deterrence--the dominate concept guiding Cold War defense policies--for a forward-reaching, pre-emptive strategy against hostile states and terrorist groups. In the introduction, the president reiterated that defending the United States from its enemies is the first and most fundamental commitment of the government to the American people. He went on to argue that radical terrorists and rogue states were the primary threats to U.S. security and that defeating such threats, including their access to weapons of mass

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<sup>127</sup>*2001 Emergency Supplemental Appropriations Act for Recovery and Response to Terrorists Attacks on the United States*. Public Law 107-38, 107<sup>th</sup> Cong. (21 September 2001) [http://www.nist.gov/admin/legislation\\_new/fy2002/emerg\\_supp\\_approp/pl107\\_38\\_1st\\_emg\\_supp\\_shtml](http://www.nist.gov/admin/legislation_new/fy2002/emerg_supp_approp/pl107_38_1st_emg_supp_shtml) (accessed 3 January 2008).

destruction, required the U.S. to use every tool in its arsenal including military power, better homeland defenses, law enforcement, intelligence, and efforts to hinder terrorist financing. The document outlined a policy to work with other nations and international organizations to defuse regional conflicts and to prevent enemies from acquiring and using weapons of mass destruction against the United States, its allies or friends. The strategy also called for the promotion of a new era of global economic growth through free markets and free trade, the expansion of efforts to develop open societies and build the infrastructure of democracy, and the priority transform of the U.S. military to meet the non nation state challenges of twentieth-first century. The new strategy reflected the intense discussions held in the National Security Council (NSC) over the previous week. It spoke about eliminating terrorism as a threat to the U.S. way of life, including pursuing other international terrorist organizations in the Middle East, as well as follow-on actions focused on the U.S. offensive plan to attack Al-Qaeda in its Afghan sanctuary.<sup>128</sup>

During these discussions, the president tasked the DOS to deliver an ultimatum to Taliban, develop a plan to stabilize Pakistan, and prepare to notify Russia and neighbor countries when hostilities were eminent.<sup>129</sup> He requested the DOD to develop the military plan of attack if the ultimatum failed and to implement heightened military “force protection” measures immediately. He requested the Department of the Treasury (DOTres) to develop a plan to target Al-Qaeda financing and seizure of assets. On 12 September 2001, the Secretary of State presented

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<sup>128</sup>John Pike, “The National Security Strategy Report -2002” Global Security.org, (9 February 2002) <http://www.globalsecurity.org/military/library/policy/national/ss-020920.html> (accessed 30 January 2008).

<sup>129</sup>On 12 September 2001, the Deputy Secretary of State met with the Pakistan Ambassador to the United States and the visiting Head of Pakistan military intelligence and requested that Pakistan take a number of steps to assist the United States to: intercept Al-Qaeda operatives and logistical support from going to bin Laden; provide U.S. blanket over-flight rights for military and intelligence operations; share intelligence information; publically condemn the 9/11 attacks; cut off fuel shipments to the Taliban and stop Taliban recruits from entering Afghanistan; and if bin Laden was implicated and the Taliban continued to harbor him to cut off diplomatic relationships with the Taliban. The Pakistan Ambassador responded the next afternoon acceding to all the demands. U.S. National Commission on Terrorist Attacks, 330.



the Departments “Game Plan for a Political-Military Strategy for Pakistan and Afghanistan” to the NSC. In the paper, the Secretary assumed that bin Laden would continue to attack U.S. interests even while under Taliban control. Therefore, the paper detailed specific demands for the Taliban: the surrender of bin Laden and his chief lieutenants, including Ayman al Zawahiri; the closure of all terrorist camps; the freeing of all imprisoned foreigners; and compliance with all UN Security Council resolutions. Believing that the Taliban’s compliance would not be forthcoming, the paper proposed that both State and Defense, with NATO and other allied assistance, begin building a national coalition to invade Afghanistan. Finally, the plan detailed the U.S. public response to the 9/11 attacks-- America would use all its resources to eliminate terrorism as a threat, punish those responsible for the 9/11 attacks, hold all states and other actors responsible for providing sanctuary to terrorists, work with a coalition to eliminate terrorists groups and networks, and avoid malice toward any people, religion, or culture.<sup>130</sup>

Some have criticized the speed of the U.S. response, especially the assumption that the Taliban would not give in to U.S. pressure to sever its support of Al-Qaeda. For example, Rohan Gunaratna believed that this “dangerous alliance”, the joining of the forces of Taliban leader Mullah Muhammad Omar with those of Osama bin Laden in October 2001, could have been disrupted, “had the U.S. given Pakistan more time to negotiate with the Islamic Emirate of Afghanistan to hand Osama over to Islamabad.”<sup>131</sup> The speed and intensity of U.S. efforts to form an antiterrorist coalition precluded diplomatic efforts to drive a wedge between the Taliban and Al-Qaeda. He concluded, “Had the U.S. intelligence community developed an accurate assessment of the numerical strength of Al-Qaeda and the Taliban and understood the

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<sup>130</sup>U.S. National Commission on Terrorist Attacks, 332.

<sup>131</sup> Gunaratna, 303.

implications of unity between a relatively unpopular Al-Qaeda and a relatively popular Taliban, it could have postponed the U.S. strikes.”<sup>132</sup>

Following-up on NSC discussions regarding the breath of the threat, i.e. Al-Qaeda vs. the global Salafist jihad, the President issued “National Security Presidential Directive 9: Defeating the Terrorist Threat to the United States” (NSPD). The NSPD extended actions beyond Al-Qaeda to pursue a global war on terrorism. Actions approved in the NSPD included; the elimination of all terrorist networks, the interdiction of terrorist financing, and the developing of preventive steps to eliminate the chance for terrorists to acquire weapons of mass destruction (WMD). The NSPD also incorporated the Presidential determination not to distinguish between terrorists and those who harbor them, and included a determination to use military force if necessary to end Al-Qaeda’s sanctuary in Afghanistan.

While the DOS was developing its plan for the invasion of Afghanistan, the CIA was crafting a lower key clandestine approach to accomplish the same task. At a war council convened at Camp David on the weekend of 14 September 2001, the Director of Central Intelligence (DCI) suggested that to speed up the U.S. retaliatory response, CIA clandestine teams would be inserted into Afghanistan. Their immediate task would be to establish contact with anti-Taliban Afghan warlords who had agreed to join the fight against Al-Qaeda. The teams would act jointly with CIA operatives and military Special Operations units. Later the president praises the creativity of the proposal indicating it was a turning point in his way of thinking.

Thus by the end of week one, steps had been taken to support local efforts to deal with the emergency and established a mechanism in the White House to coordinate all domestic emergency and homeland security agencies. The *USA Patriot Act* was enacted to tear down “the wall” that had artificially inhibited the sharing of information between police and intelligence

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<sup>132</sup>Ibid., 303.

agencies.<sup>133</sup> Plans to evict Al-Qaeda from its sanctuary and punish their landlord, the Taliban, were well underway. In addition, the assistance of Pakistan, a critical ally whose support was essential to carry out the plan, had been solicited and was firmly on the U.S. side.

## The End of 2001

The pace of the government's response did not slacken over the next few months. On 27 September, CIA paramilitary teams enter Afghanistan and link-up with northern tribesmen who oppose the Taliban.<sup>134</sup> On 7 October, the Secretary of State announced that the first airstrikes were launched against Taliban targets in Afghanistan.<sup>135</sup> On 17 October, U.S. Special Force commando teams arrive in country to support CIA operatives already on the ground. By the beginning of November, the attack on Afghanistan's ruling Taliban regime and Al-Qaeda terrorists had meet with extraordinary success. Bob Woodward reported,

Already, U.S.-supported forces controlled half of Afghanistan, and the capital of Kabul had been abandoned as thousands of Taliban and Al-Qaeda fled south to the Pakistan border. In an effective display of American technology, the CIA with millions of dollars and years of covert contacts among Afghan tribes, plus U.S. military Special Forces commando teams directing precision bombing, seemed to have turned the tide of war in a matter of weeks.<sup>136</sup>

The unexpected effectiveness of U.S. operations and the swift fall of the Taliban had devastating consequences for Al-Qaeda. By the close of the year, Al-Qaeda had lost sixteen of its twenty-five key leaders and its central staff was in disarray. As the group adjusted to the new U.S.

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<sup>133</sup>*The Uniting and Strengthening America by Providing the Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (U.S.A Patriot Act), Public Law 107-56, 107<sup>th</sup> Congress, 1<sup>st</sup> sess. (26 October 2001).

<sup>134</sup>Woodward, 5.

<sup>135</sup>Guardian Limited, "Timeline: the Attack on Afghanistan," *The Guardian* (7 October 2001) <http://www.guardian.co.uk/waronterror/story/0,1361,565187,00.html> (accessed 30 January 2008).

<sup>136</sup>Woodward, 7.

threat and started replacing its losses, it suffered another catastrophic blow. On 14 November 2001, Osama's brother-in-law, Muhammad Atif, Al-Qaeda's emir and military commander, was killed by a U.S. airstrike in Kabul. Responsible for both Al-Qaeda domestic Afghan operations, as well as, the day-to-day running of the organization, his death severely constrained Al-Qaeda operational effectiveness. Atif's death was compounded by the loss of the organization's director of intelligence during a U.S. air raid in late December.<sup>137</sup> By the end of the year, bin Laden who had escaped U.S. military operations against his stronghold at Tora Bora in late November and fled to Northern Pakistan, was left with the mere shell of his former organization.<sup>138</sup>

On the home front, Congress approved the establishment of the new Office of Homeland Security within the White House, concurred on the appointment of the Office's first director and approved the *U.S. Patriot Act*, which was signed into law on 6 October 2001.<sup>139</sup> The revised act enhanced domestic security against terrorism, established new procedures for cooperation and information sharing in investigating terrorism, strengthened surveillance and intelligence procedures, established new mechanisms to detect and report money laundering and currency crimes, and strengthened immigration procedures.<sup>140</sup> To reward Pakistan, provisions under U.S. law that prohibit direct U.S. assistance to countries where the head of government was disposed by decree or military coup were waived, and Pakistan began to receive considerable military and economic assistance. The President also signed into law the *Aviation and Transportation Security*

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<sup>137</sup>Gunaratna, 303-304.

<sup>138</sup>Barton Gellman and Thomas E. Ricks, "U.S. concludes bin Laden escapes at Tora Bora," *The Washington Post* (April 17, 2002) <http://www.washingtonpost.com/ac2/wp-dyn/A63618-2002Apr16.html> (accessed 30 January 2008).

<sup>139</sup>*The Uniting and Strengthening America by Providing the Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (U.S.A Patriot Act), Public Law 107-56, 107<sup>th</sup> Congress, 1<sup>st</sup> sess. (26 October 2001).

<sup>140</sup>U.S. Government, "Counter-Terrorism: Training and Resources for Law Enforcement - Legislations," <http://www.counterterrorismtraining.gov/leg/index.html> (accessed 20 January 2008).

*Act*, which established the Transportation Security Administration (TSA). The new agency was charged with improving security in all modes of transportation, creating and implementing protocols for dealing with threats to transportation, managing domestic transportation during a national emergency, and managing security information dealing with the transportation industry. Before the close of the year, the Senate facing strong opposition from the President and Vice President, passed legislation to establish the 9/11 Commission. The independent review commission was charged with determining how Al-Qaeda could have carried out the attacks and recommending changes in governmental structure, law, rules and procedures that would reduce the risk of such an attack ever happening again.<sup>141</sup>

The White House in its public opposition to the legislation believed the Commission would distract the government from its mission of preventing new attacks by Al-Qaeda. Other commentators contend that the White House feared what the Commission might uncover. Critics suggest that President Bush's reelection campaign strategy was based largely on his performance to contain terrorism, a key concern of the American electorate. Philip Shenon indicated that, "If the Commission did anything to undermine Bush's anti-terrorism credentials--worst of all, if it claimed that Bush had somehow bugled intelligence in 2001 that might have prevented the attacks--his reelection might have been prevented."<sup>142</sup> In the end, it was the public's need to know coupled with Congressional pressure that forced the White House to reluctantly concur with the legislation.

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<sup>141</sup>Alison Mitchell, "A Nation Challenged: An Accounting," *The New York Times* (21 December 2001) <http://www.nytimes.com/gst/fullpage/html> (accessed 20 January 2008).

<sup>142</sup>Philip Shenon, *The Commission: The Uncensored History of the 9/11 Investigation* (New York: The Hachette Book Group, 2008), 63.

## **What Was Accomplished?**

The ability of the U.S. government to respond across the full range on national power with 120 days of the Al-Qaeda attacks was impressive. Not only was the emergency contained, but the victims and the first responder agencies who managed the disaster were compensated. In addition, the first steps were taken to improve homeland security so future attacks would be considerably more difficult to carry out. Steps were also initiated to repair operational rifts within the intelligence and law enforcement communities. The administration had identified the attackers, developed and carried out the successful invasion of Afghanistan, thus eliminating one third of Al-Qaeda's troops and denying it access to its sanctuary and the extensive training camps that it had developed. Key Al-Qaeda senior operatives were dead and Osama bin Laden was on the run.

While the speed of the response and its effectiveness was commendable, the White House's sole reliance on a military response set the tenor of events that were to unfold over the next six-years. The speed of the Afghanistan invasion and the president's oath to punish the aggressors, while understandable, led to an aggressive response to an Islamic insurgency, something that experience with counterinsurgent operations elsewhere in the world cautioned against. In addition, the actions undertaken were premised on the Secretary of State's assumption that the Taliban would not be amenable to negotiating the detainment and release of Al-Qaeda's senior staff to Pakistan law enforcement. There is some question now whether or not this assumption was correct. Rifts had developed between the Taliban and Al-Qaeda in the late 1990s as Al-Qaeda's strength in Afghanistan had increased. Some commentators believe that by delaying or rewording the U.S. ultimatum delivered by the Pakistanis, a situation might have been

created that would have provided the time necessary for the Pakistanis to successfully negotiate with the Taliban.

The direct management style of the president certainly clarified the roles and responsibilities of the agencies involved. However, it also played on the divisions amongst agencies and did not lead to the coordination that would be necessary to deal with the Al-Qaeda threat in the long-term. Possibly, because of the haste to act, efforts relied on tactical responses, and not on establishing conditions necessary for the development of a long-term strategy that fully integrated the full array of national powers available to the president to defeat Al-Qaeda. While some of the elements of the strategy would be cobbled together over time through individual legislative and agency actions, other important components would not. This ad hoc process and its effects is the focus of the remainder of the essay.

## CHAPTER FIVE: THE MEDIUM-TERM RESPONSE: GETTING DOWN TO BUSINESS

### Introduction

Steps taken by the U.S. government in the short-term to deal with the immediate threat of Al-Qaeda and the aftermath of the 9/11 attacks were complemented by a number of adjustments in strategy, policy, and operations dealing with the longer-term threat. The approach taken by the Bush administration to address pressing structural and procedural deficiencies was to develop a set of function specific strategies to deal with perceived problems in homeland defense, intelligence and law enforcement, diplomacy, and military operations. The approach was to be holistic with each functional strategy nested under and supporting the overall objectives of the *National Security Strategy*. Adjustments in strategy were to be followed by changes in agency structure and operating procedures to improve the ability of key U.S. government agencies to combat the Al-Qaeda threat.

While comprehensive, the approach has been criticized as top down and bureaucratic. Some commentators believe it to be a “silver bullet” approach to performance reform, where overarching policy changes will fix all problems. Others argue that some of the strategic adjustments have missed their mark and detracted from, rather than enhanced, the U.S. capacity to deal with Al-Qaeda. These critics cite the diversion of scarce military, diplomatic, and financial resources from Afghanistan, a known Al-Qaeda sanctuary, to Iraq, where the relationship to terrorists, specifically Al-Qaeda, was much more tenuous as a key example. Others charge that the top down strategies were never followed through with structural and operational changes within key departments and the root causes of poor performance--limited trained manpower, shoddy intelligence and analytical capabilities, competing agency agendas, and inadequate budget support--continue to constrain performance today.



This section explores the strategic adjustments that were made, attempting to identify their impact on operational and tactical performance within key U.S. agencies assigned leadership roles in the war on terrorism. Unfortunately, analysis is limited, focusing only on changes in intelligence and law enforcement, military, and diplomatic and financial interdiction operations. The section opens with a brief review of the strategic changes that have been initiated since 9/11.

## **Strategy First**

Between 2001 and 2008, the U.S. government issued a set of over arching policy instruments to provide direction to efforts mounted to deal with future man made emergencies, like 9/11, and to interdict and destroy potential perpetrators, like Al-Qaeda. In addition to the *National Security Strategy*, discussed above, the new White House Office of Homeland Security issued the *National Strategy for Homeland Security* in July 2002. The strategy sought to mobilize the nation to accomplish three objectives; the prevention of terrorist attacks within the United States, the reduction of America's vulnerability to terrorism, and the enhancement of local, state, and national capacity to minimize damage and speed recovery from attacks that might occur in the future.<sup>143</sup>

The strategy was operationalized in December 2004 with the publication of the Department of Homeland Security's *National Response Plan*. The plan mobilized 200,000 federal employees in twenty-two different agencies, amalgamated under the new Department, with the efforts of state and local agencies to, "establish a comprehensive, national, all-hazards

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<sup>143</sup>Office of Homeland Security, the White House, "National Strategy for Homeland Security," (Washington, DC: July, 2002), vii.

approach to domestic incident management across a spectrum of activities including prevention, preparedness, response, and recovery.”<sup>144</sup>

To deal with terrorist financing, the Department of the Treasury issued the first annual *National Money Laundering Strategy*, which established a U.S. government-wide framework to deter and destroy large-scale money laundering, set goals for U.S. agencies in combating terrorist financing, and initiated an annual reporting structure to track progress made in implementing these goals. Subsequent releases in 2002, 2003 and 2007, expand the scope of the initial strategy, enhancing links between the intelligence and law enforcement communities, and establishing priority threat areas and vulnerabilities.<sup>145</sup>

On the international front, the White House in February 2003 issued the *National Strategy for Combating Terrorism*. The strategy officially recognized that the United States was in a different type of war, requiring the application of the full spectrum of national power to protect the U.S., disrupt terrorist operations, and deny them the sanctuary needed to organize and mount future operations.<sup>146</sup> Based on a vastly improved understanding of the terrorist’s structure and operations, the strategy was updated in September 2006. The revision laid out both short- and long-term goals to guide government actions. In the short-term, actions were to be focused on preventing attacks by terrorist networks, denying weapons of mass destruction to rogue states and their terrorist allies, denying terrorists sanctuary in failed or rogue states, and denying terrorist control of any nation they sought to use as a base and launch pad for terror.<sup>147</sup> Building on the

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<sup>144</sup>The Department of Homeland Security, “National Response Plan,” (Washington, DC: 2004), 2.

<sup>145</sup>Office of Terrorism and Financial Intelligence, Department of the Treasury, “The National Money Laundering Strategy,” (2002, 2003, 2004 and 2007).

<sup>146</sup>Office of the President of the United States, “National Strategy for Combating Terrorism,” (14 February 2003), 2.

<sup>147</sup>Office of the President of the United States, “National Strategy for Combating Terrorism,” (September 2006), 11-16.

last two actions, the strategy pledged long-term assistance to support weaker states to “exercise effective sovereignty and maintain order within their own borders, address causes of conflict peacefully, protect independent and impartial systems of justice, punish crime, embrace the rule of law, and resist corruption.”<sup>148</sup> Two months later, this was followed by the issuance of the U.S. Army’s updated *Counterinsurgency* manual to improve how the U.S. Army organized, trained, deployed, and operated to defeat terrorist led counterinsurgency. To complement changes in military counterinsurgency doctrine, the DOS’s Bureau for Political-Military Affairs issued a civilian counterpoint to the new military manual. The document, entitled *Counterinsurgency for U.S. Government Policy Makers: a Work in Progress* was proclaimed as the first step in developing, “a broad understanding of the characteristics of COIN (*ed.* insurgency and counterinsurgency operations), to serve as a basis for interagency discussion of policy, programs, and the development of national capabilities relevant to COIN.”<sup>149</sup>

To implement the policies embedded in the above strategies, the U.S. Government and Congress approved or issued sixty-nine different laws, rulings, or analytical reviews associated directly with the War on Terror.<sup>150</sup> Each dealt with a tactical problem in U.S. law, rules or regulations or an institutional deficiency identified during the initial response to 9/11 attacks or the follow-up efforts to identify and destroy Al-Qaeda. On the domestic front, federal actions dealt with institutional deficiencies identified in the emergency response and follow-up to the

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<sup>148</sup>Ibid., 10.

<sup>149</sup>Bureau of Political-Military Affairs, “Counterinsurgency for U.S. Policy Makers: A Work in Progress,” Department of State Publication 11456 (Washington, DC: The Department of State, 2007), 7.

<sup>150</sup>The legislation breaks down into the following categories: boarder security and immigration (8); communications, equipment and cyberterrorism (3); domestic security (27); economic and fiscal measures to interdict terrorist financing (8); increased first responder capabilities (4); improved medical and public health capabilities (5); transportation security (6); and weapons of mass destruction proliferation reduction (5). U.S. Government, “Counter-Terrorism: Training and Resources for Law Enforcement – Legislation,” <http://www.counterterrorismtraining.gov/leg/index.html> (accessed 30 January 2008).

attacks. The laws increased the coordination amongst U.S. agencies dealing with homeland security, resolved capacity issues found to exist in the U.S. first responder system, tightened and toughened U.S. borders and ports security, established preliminary plans to secure public and private infrastructure, and expanded authorities to pursue and prosecute domestic terrorists.

On the international front, efforts already underway to improve cooperation between domestic law enforcement, the intelligence community and foreign intelligence services were complemented by legislative and regulatory changes to expand the ability of federal agencies to interrupt terrorist revenue generation efforts and confiscate financial assets when found. Building on military successes in Afghanistan, the U.S. military mounted anti-terrorist efforts in locations as diverse as the Philippines and the Horn of Africa. In addition, a decision was taken by the Bush administration, which many believe was based on faulty intelligence, to invade Iraq.

Below, we explore what was done by the above U.S. domestic, foreign policy and military agencies and the impact of these actions have had on Al-Qaeda. In the discussion of military operations particular attention is focused on the U.S. decision to go to war in Iraq, the operational performance of civilian and military organizations during the occupation, and whether the decision has curtailed or enhanced Al-Qaeda's worldwide threat.

## **Joint Intelligence and Law Enforcement Operations**

With the enhanced authorities and financial support provided in the months following the attacks, the capabilities within the CIA, the FBI and the U.S. military were expanded and the interagency flow of information and cooperation increased. With the elimination of the artificial "wall" that separated intelligence and domestic law enforcement operations, changes within the FBI were most striking. In 2005, Arthur Cummings, a senior manager in the FBI's Counterterrorist Division, said, "We have 12,575 agents in the FBI, and we have 4,000 working

terrorism. Before 9/11, at FBI headquarters, we had thirty supervisors working counterterrorism. We're at something like 800 now. If I need another thousand working terrorism, then we're going to the director, and something's going to have to give."<sup>151</sup>

Preempting these shifts in personnel, internal procedures had changed. Terrorist leads, such as the involvement of 9/11 terrorists in flight training, were not longer isolated in field offices but flowed to headquarters where they were vigorously followed up. Philip Mudd, a former CIA officer brought into the FBI to assist managing analytical operations within the National Security Branch, indicated, "Whereas before, someone would say, 'Well, that's sensitive information, we can't release it.' That paradigm has been flipped. People simply will not sit on threat reporting. The cultural shift in the intelligence community is: get it out to people who can act on it."<sup>152</sup>

Nevertheless, as information sharing and joint operations increased, shortfalls and redundancies within the intelligence community's structure began to emerge. By the end of 2003, the structure of interrelationships between intelligence agencies had expanding geometrically. The CIA's Counterterrorist Center (CTC), which had run operations and played an intelligence "fusion" role prior to 9/11, and the agency's new Terrorist Threat Integration Center were taking the analytical lead in identifying and interdicting Al-Qaeda operations.<sup>153</sup> The FBI's Counterintelligence Division in cooperation with other Department of Justice divisions was playing a much more active role. Both agencies, in addition to enhancing ongoing relationships with DOD's National Security, Defense Mapping and Intelligence and, Defense Intelligence

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<sup>151</sup>Kessler, 179.

<sup>152</sup>Ibid., 113-114.

<sup>153</sup>The Terrorist Threat Integration Center, based at the CIA headquarters, was staffed by representatives from any agencies, reporting directly to the Director of Central Intelligence. It had no operational role nor did it have authority over other CIA operational divisions.

Agencies, were working closely with the Department's significantly expanded counterterrorism effort.<sup>154</sup> In addition, the boarder and transportation security units within the Department of Homeland Security (DHS) had established enhanced working relationships with DOD, the CIA and FBI.

Each agency while attempting to coordinate operations and share information made their own policy and resource allocation decisions. All individually agreed that an integrated approach to intelligence gathering and analysis would be more effective in providing the holistic picture needed to develop a worldwide view of terrorist intent and threats. However, bureaucratic infighting over tasking, scarce staff, and resources, continued to constrain effectiveness.<sup>155</sup> Acting separately, each agency had developed internal interagency committees and forums to enhance cooperation.<sup>156</sup> When the thorny questions of joint operational planning, policy or the allocation of scarce financial and staff resources were raised, they were often passed on to the NSC for adjudication. The Council had expanded its staff by 50 percent after the 9/11 attacks. However, the staff was overworked trying to resolving day-to-day issues while sifting through an expanded volume of daily threat assessments. They didn't have the time to think about longer-term strategic trends or to advise the president on the larger intelligence policy issues placed on their table.

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<sup>154</sup>The Defense Department counterterrorism effort is enormous. Three of its unified commands, each headed by a four-star general, have counterterrorism as a primary mission: Special Operations Command, Central Command (both headquartered in Florida), and Northern Command (headquartered in Colorado). U.S. National Commission on Terrorist Attacks, 401.

<sup>155</sup>With the expansion of the agencies following the 9/11 attacks, the supply of critical experts--for example, skilled counterterrorist analysts and linguists, was rapidly being depleted.

<sup>156</sup>In the CIA, the Counterterrorism Center was recruiting liaison officers from throughout the intelligence community. The FBI had established Joint Terrorism Task Forces in 84 locations nationwide to assure national, state and local intelligence and law enforcement coordination. Central Command had its own interagency center recruiting intelligence officers from all agencies from which it might require assistance.

In light of this situation, the Congress passed and the president signed into law the *Intelligence Reform and Terrorism Prevention Act* of 2004.<sup>157</sup> The Act established the position of the National Director of Intelligence (NDI), placing fifteen federal intelligence agencies under his/her leadership. The Director replaced the CIA's Director of Central Intelligence as the president's chief intelligence advisor, placed his office in charge of the president's daily intelligence briefing, and tasked the Director with the development of a National Intelligence Strategy.<sup>158</sup> The Act did not make the NDI the arbitrator of interagency policy disputes, but did provide a venue where the disputes could be discussed and resolved, or if necessary passed, on to the NSC for final resolution. In addition, the Act created the National Counterinsurgency Center (NCTC), an interagency center with representatives from the thirteen federal agencies answering to the DNI. The Center was tasked with the responsibility for managing joint counterterrorist operational planning, as well as, analyzing, sharing, and evaluating all threat information and intelligence on a daily basis.<sup>159</sup> Finally, the Act implemented recommendations made by the 9/11 Commission for the FBI to establish a, "specialized and integrated national security workforce . . . who were recruited, trained, rewarded, and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security."<sup>160</sup> The intent of this recommendation was to change the FBI's culture from one focused almost exclusively on law enforcement to a more balanced approach that encouraged the cross-fertilization between

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<sup>157</sup>*The Intelligence Reform and Prevention Act*, Public Law 108-458, 108<sup>th</sup> Cong, (17 December 2004).

<sup>158</sup>Daily access to the president provided the DNI with considerable power to identify and prioritize key terrorists threats, influence presidential decisions on coordinating interagency operations and gain control over staffing and the interagency budgeting process.

<sup>159</sup>The 13 federal agencies represented at the center are: the CIA; FBI, the National Geospatial-Intelligence Agency, NSA, the Nuclear Regulatory Commission, the U.S. Capitol Police, and the Departments of Agriculture, Defense, Energy, Health and Human Services, Homeland Security, Justice, State and Treasury.

<sup>160</sup>U.S. National Commission on Terrorist Attacks, 425-26.

intelligence and criminal justice. Reform efforts sought to assure that the agency's budget reflected its four main programs--intelligence, counterintelligence, criminal, and criminal justice services--thus providing budget transparency and protecting the growing intelligence program. It also required that future FBI leadership be trained and experienced in some portion of their career as intelligence officers.

While the *Intelligence Reform and Terrorist Prevention Act* represents a major structural adjustment in dealing with deficiencies identified since the 9/11 attacks, many analysts caution that the top down approach it represents should not be construed as a "one time" solution to the nation's intelligence problems. Richard Russell in his critic of these changes suggests, "A program manager had been identified, but there were few signs that the 'trusted information network' had been established. Nor did the manager have the personnel and resources to assert his legislative authority across federal agencies."<sup>161</sup> William Nolte in an astute analysis of the legislation cautions that:

The American public should not presume that a single legislative action has aligned American intelligence to deal with the security realities of the next ten, fifteen or twenty years. If anything, the operational and technical environments for American national security in the first two decades of the twenty-first century promise to be more fluid and more volatile than the United States encountered during the Cold War.<sup>162</sup>

Nolte's remarks imply that the 2004 legislation while a necessary condition for improving the quality and timely integration of intelligence did not constitute a sufficient condition to assure the needed changes were affected. To guarantee the latter, a concerted effort

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<sup>161</sup>Richard L. Russell, "The Weakest Link: Intelligence for Preemptive and Preventive Military Action" in Anthony D. McIvor, *Rethinking the Principles of War* (Annapolis, Maryland: Naval Institute Press, 2005), 463.

<sup>162</sup>William M. Nolte, "Rethinking War and Intelligence" in Anthony D. McIvor *Rethinking the Principles of War*, 422.



by the White House and Congress will be required to make sure the legislative changes are followed by subsequent adjustments in financial resources, human capabilities, and operational incentives.

This will be a constant challenge over the years to come. Bureaucracies like ocean liners are difficult to redirect. Although legislative progress has been significant, follow through in terms of presidential leadership and individual agency response has been slow. Although the DNI was provided statutory authority over intelligence community budgets and personnel, control over 80 percent of the intelligence budget that falls under the DOD, remains outside his authority. A DNI candidate was selected, John Negroponte, the standing Iraq Ambassador, but there were few signs that the “trusted information network” had been established. As of the end of 2005, he had neither the personnel nor financial resources to assert his legislative authority across federal agencies. In addition, the president charged with requiring all heads of federal departments and agencies to promote a culture of information sharing chose not to act aggressively.

The NCTC also has had difficulties identifying and sourcing required personnel. The 9/11 Public Discourse Project, a private offshoot of the National Commission,<sup>163</sup> reported in the fall of 2005 that the, “NCTC had only one-half of its necessary analytic capabilities and one-third of its necessary personnel.”<sup>164</sup> Turning to the FBI, Lee Hamilton, the National Commission’s joint Chairperson, in a public statement noted that, “The trend line on FBI reform has been in the

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<sup>163</sup>The 9/11 Public Discourse Project was established in 2005 as a bipartisan non-profit organization to promote discussion and monitor progress in the implementation of recommendations contained in the 9/11 Commission Report. The organization consists of the same leadership of the 9/11 Commission, including its commissioners, who serve as the Board of Directors on the project.

<sup>164</sup>The 9/11 Public Discourse Project, “Report on the Status of 9/11 Commission Recommendations, Part II: Reforming the Institutions of Government,” (October 2005). <http://www.9-11pdp.org> (accessed January 25, 2008).

right direction, but it is far too slow.”<sup>165</sup> He went on to sight limited analytic capabilities, workforce turnover, limited information sharing with other agencies and local law enforcement, outdated information technology capabilities, and the continuing internal struggle between the law enforcement and counterterrorism sides of the house over finance and staff as continuing constraints to improved performance.<sup>166</sup> Leadership of the FBI’s counterterrorist operations has been lacking with five different directors funneling through the operation by 2006.

The structural changes recommended by the National Commission, institutionalized in the 2004 intelligence reform legislation, are difficult in the best of times to implement. Bureaucrats are loathed to have their staff and budget reallocated to other uses or agencies. One would hope that many of the constraints noted above have been addressed in the intervening months since the development of this essay. These adjustments are unknown and likely classified. What is known, however, is that the early signs of bureaucratic drift back to the status quo that existed prior to the 9/11 Commission’s report are evident and remain troubling.

## **Military Operations**

### **The Decision to Invade Iraq: Fact or Fiction**

The U.S. decision to invade Iraq was justified by the White House in 2002 as a major step in promoting the war on terrorism. The decision was based on what administration officials believed to be two factual pillars: first, Saddam Hussein’s rouge regime possessed or was actively seeking Weapons of Mass Destruction (WMD); and, second, Iraq had an active working relation with Al-Qaeda and its affiliated terrorist organizations. The White House implied that the active

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<sup>165</sup>Lee Hamilton and Thomas H. Kean, “Report on the Status of 9/11 Commission Recommendations, Part II: Reforming the Institutions of Government.” Opening remarks made at a press conference in Washington, D.C. (20 October 2005), 3.

<sup>166</sup>*Ibid.*, 4.

relation between two of the United States confirmed enemies, Iraq and Al-Qaeda, had the potential for supplying Al-Qaeda and/or its affiliates with WMD materials, which increased the probability of another catastrophic attack on the United States.

Evidence of Iraq's possession of WMD materials was based on intelligence provided by the CIA to President Bush in their October 2002 in a National Intelligence Estimate (NIE). According to Richard Russell, the report "judged for President Bush that Saddam's regime was aggressively reconstituting its nuclear weapons program and had active biological and chemical production lines, as well as significant biological and chemical weapons stores."<sup>167</sup> The declassified version of the 2002 NIE indicates the CIA had high confidence that:

Iraq was continuing, and in some areas expanding, its chemical, biological, nuclear, and missile programs contrary to UN resolutions...Iraq possesses proscribed chemical and biological weapons and missiles . . . Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons-grade fissile material.<sup>168</sup>

Of particular concern was the finding that Iraq had missile launch systems, specifically Scud-variant short-range ballistic missiles that exceeded by four to six times the UN range limits of 150 km thus placing Israel within range of chemical and biological weapons attack.

The second pillar, the working relationship between Al-Qaeda and Saddam Hussein was based on a series of intelligence reports of contacts between Iraq and Ansar al-Islam, the Northern Iraq terrorist organization that later became Al-Qaeda in Iraq (AQ-I), that emerged during the late 1990s. These were complemented by a pattern of evidence that alleged that Saddam Hussein had contacts and may have support joint terrorist operations with Osama bin Laden as far back as the

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<sup>167</sup>Russell, 456.

<sup>168</sup>The Central Intelligence Agency, "Key Judgments, Iraq's Continuing Programs for Weapons of Mass Destruction," National Intelligence Estimate (October 2002), 5  
<http://www.fas.org/irp/cia/product/iraq-wmd.html> accessed April 17, 2008.

early to mid-1990s when both Iraq intelligence operatives and Al-Qaeda were active in Sudan. The reports contend that this relationship continued after bin Laden relocated to Afghanistan in 1996 and may have resulted in joint operations in the Sudan, Afghanistan and Pakistan, including Iraq's assistance to Al-Qaeda in deploying chemical weapons. One hotly disputed allegation, that Iraq might have been involved in the 9/11 attacks, was discounted by President Bush and other members of his administration. The vice president, Dick Cheney, stubbornly held that Iraq's involvement in 9/11 was an outstanding question yet to be resolved definitively.<sup>169</sup>

In his assessment of the White House's rationale to invade Iraq, Richard Russell believes, "Saddam's active and robust WMD capabilities stood head and shoulders over other justifications (ed. Iraq's alleged affiliation with Al-Qaeda)." <sup>170</sup> According to Bob Woodward in *Plan of Attack*, the CIA's contention that Iraq possessed WMD capabilities was not shared by all. When the DCI, George Tenet, informed the president of the case against Saddam and his WMD activities, the President was at first skeptical of the findings saying, "this is the best we got." In response, Tenet informed the President that it was "a slam dunk."<sup>171</sup>

Even though there were internal misgivings concerning the evidence, Secretary of State, Colin Powell, went before the United Nations Security Council on 5 February 2003 in an effort to sway international official and public opinion toward the U.S. strategic objective of ousting Saddam's regime. In the briefing, the Secretary went into great public detail to explain the White House's assertions that not only did Iraq have WMD capabilities but Iraq had also maintained relationships with known terrorist groups, including Al-Qaeda. According to Richard Russell, "Secretary Powell masterfully delivered his presentation that Iraq was actively reconstructing its

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<sup>169</sup>Dana Priest and Glenn Kessler, "Iraq, 9/11 Still Linked by Cheney," *Washington Post* (29 September 2003).

<sup>170</sup>Russell, 459.

<sup>171</sup>Woodward, 249.

nuclear weapons program and producing, weaponizing, and stockpiling chemical and biological weapons in violation of the UN Security Council Resolutions upon which the 1991 Gulf War's ceasefire was based.”<sup>172</sup> The Secretary went on to justify the Iraq/Al-Qaeda link by saying:

Iraq and terrorism go back decades...But what I want to bring to your attention today is the potentially more sinister nexus between Iraq and the Al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network headed by Abu Musab Al-Zarqawi, an associate and collaborator of Osama bin Laden and his Al Qaida lieutenants...Ambition and hatred are enough to bring Iraq and Al Qaeda together, enough so Al Qaeda could learn how to build more sophisticated bombs and learn how to forge documents, and enough so that Al Qaeda could turn to Iraq for help in acquiring experience on weapons of mass destruction.<sup>173</sup>

The president substantiated Powell's presentation on 17 March 2003, in a speech announcing a 48-hour deadline for Saddam Hussein and his sons to leave Iraq in order to avoid war. In the speech, the president summarized the administration's position in the following words, “. . . the Iraq regime has a history of reckless aggression in the Middle East. It has a deep hatred of America and our friends. And it has aided, trained, and harbored terrorists, including operatives of Al Qaeda.”<sup>174</sup> Even today, the White House maintains that Al-Qaeda's presence in Iraq as a key player in the ongoing insurgency provides ample proof that their decision to invade Iraq was justified.<sup>175</sup>

Both of the factual pillars of the White House's decision to invade Iraq have been contested since 2003. As early on as 2002, the State Department's Bureau for Intelligence and

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<sup>172</sup>Russell, 463.

<sup>173</sup>Colin Powell, “Remarks to the United Nations Security Council,” (5 February 2003) <http://www.state.gov/secretary/former/remarks/2003/17300.htm> (accessed 19 April 2008).

<sup>174</sup>George W. Bush, “Address to the Nation on Iraq,” *U.S. Department of State, Washington File* (17 March 2003), <http://www.state.gov/p/nea/rls/rm/18789.htm> (accessed 19 April, 2008).

<sup>175</sup>Kenneth Katzman, “Iraq and Al Qaeda” The Congressional Research Service (December 7, 2007), 1.

Research (INR) in its dissenting view of the NIE briefed to the president by the DNI suggested that Saddam wanted nuclear weapons and had a limited program to maintain and acquire new weapons. However, the INR went on to say, “The activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment.”<sup>176</sup>

Following the fall of Saddam’s regime in April 2003, U.S. military and intelligence officers assigned to the Iraq Study Group (ISG) conducted extensive searches throughout Iraq to uncover evidence of WMD stockpiles. The group’s comprehensive September 2004 report found no WMD stockpiles or production but said that there was evidence that the regime retained the intention to reconstruct WMD programs in the future.<sup>177</sup> On 7 July 2004, the Senate Intelligence Committee released its highly critical review of the Intelligence Community’s analytical efforts regarding Iraq. The review faulted analysts for failing to convey the ambiguities of the evidence used in determining that Iraq had an active and growing WMD program.<sup>178</sup>

The ambiguity surrounding the WMD assessment also clouded Iraq’s relationship with Al-Qaeda. Initial evidence provided by the White House accused Saddam of a number of terrorist related activities including involvement in the attempted assassination of Bush’s father in Kuwait in 1993. The White House went on to accuse Saddam of supporting numerous Middle East terrorist groups including Hamas, the Palestine Liberation Front and the Abu Nidal Organization, the provision of financial support for the families of Palestinian suicide bombers, and, the training of Iraqi and non-Iraqi Arabs in a highly secret terrorist facility in Iraq in such terrorist skills as

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<sup>176</sup>The Central Intelligence Agency, “Key Judgments,” 4.

<sup>177</sup>Katzman, 4.

<sup>178</sup>Kenneth Katzman, “Intelligence Issues for Congress,” Congressional Research Service (17 February 2005), 10.

hijacking planes and trains, planting explosives in cities, sabotage and assassinations.<sup>179</sup>

Documents captured following the invasion analyzed by the Iraq Perspectives Project confirmed these findings. The analysis also uncovered seven additional terrorist organizations that had received support from Saddam's intelligence service; three based in Palestine, two in Pakistan and one each in Egypt and Afghanistan. The project documented plans to select the top ten camp trainees for deployment to the United Kingdom as suicide bombers. Their targets were apparently Iraqi exiles, but there was no evidence that the plans were executed.<sup>180</sup>

While the above analysis substantiated Iraq's association with terrorist organizations, the link with Al-Qaeda continues to be disputed. For example, the 9/11 Commission found no evidence of a "collaborative operational linkage" between Iraq and Al-Qaeda.<sup>181</sup> Philip Shenon contends that the 9/11 Commission's report:

...debunked, once and for all, the widely circulated intelligence report about the so-called Prague meeting – a supposed encounter in the Czech capital between a senior Iraqi spy and Mohammed Atta, the 9/11 ringleader, on 9 April 2001. The report had been circulated by the Czech intelligence service and embraced by the Bush administration – Vice President Cheney in particular – to suggest an Iraqi link to 9/11. But the commission's staff were convinced that the meeting never happened.<sup>182</sup>

Inconsistent statements made by former DCI, John Tenet, also cloud the issue. Prior to the war in Congressional testimony he substantiated the White House view. However, in his 2007 memoirs, he suggests that the CIA's view was that contacts between Saddam's regime and Al Qaeda were likely for the purpose of taking the measure of each other or taking advantage of each

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<sup>179</sup>The White House, "Saddam Hussein's Support for International Terrorism" (no date) <http://www.whitehouse.gov/infocus/iraq/decade/sect6.html> (Accessed April 18, 2008)

<sup>180</sup>Kevin M. Woods, "Saddam and Terrorism: Emerging Insights from Captured Iraqi Documents - Volume 1" The Iraqi Perspectives Project, Institute for Defense Analysis (2007), 1.

<sup>181</sup>U.S. National Commission of Terrorist Attacks, 66.

<sup>182</sup> Philip Shenon, *The Commission*, 847.

other, rather than collaborating.<sup>183</sup> Findings of the Iraqi Perspectives Project were less ambiguous.

They believed Saddam's actions were self-serving and that he:

Viewed international terrorist organizations in terms of what they could do to further his 'historic' mission. During the course of the 1990s, bin Laden came to see Islamic terrorism as part of a jihad that would one day topple all apostate governments, unite all Muslims, and finally restore the caliphate. Saddam had his own slightly less grand vision, namely, a Ba'athist pan-Arab socialist super-state with Iraq at its center. Whether attempting to overthrow the Egyptian government or the Kuwait royal family, the vision was always about the centrality of Saddam and his pan-Arab vision-and never about the glory of Islam or some modern-day caliphate.<sup>184</sup>

As the above analysis suggests, the reasons for the U.S. invasion of Iraq remain hotly debated to this day. What is known, however, is that the public debate, which has unfolded over the past five years around the decision, has led many Americans, both citizens and politicians, to question the U.S.'s role in Iraq. Many commentators believe this is one of the contributing factors that has sapped public support for the war and emboldened some politicians to demand the immediate withdrawal of U.S. troops. The constant attacks by opposition politicians, TV news and newspaper networks, and the public-at-large on the Bush administration have placed the White House in a difficult and often defensive position. The debate has put undue pressure on the U.S. military, who were executing the war, to devote inordinate scarce resources to capture or destroy AQ-I, rather than deal with the larger insurgency that was unfolding. This and other features of the war are analyzed below.

## The Iraq Experience

Following what was believed to be the successful expulsion of the Taliban and Al-Qaeda from Afghanistan, the U.S. military by the end of 2001 began redeploying troops to prepare for

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<sup>183</sup>George Tenet, *At the Center of the Storm* (New York: Harper Collins Press, 2007), 341-358.

<sup>184</sup>Woods, 21.



the invasion of Iraq. Although the decision remains hotly contested, six years in Iraq has identified significant strengths and weaknesses in both U.S. military and civilian agency's capabilities to wage the protracted type of war that is required to defeat Al-Qaeda.

On 21 March 2003, elements of the U.S. Third Army entered Iraq. Overcoming strong pockets of Iraqi resistance, significant logistical difficulties, poor intelligence and intermittent attacks from informal Iraqi fedayeen forces, U.S. Marines and Army units entered Baghdad International Airport on 4 April. In six days of intense fighting, Baghdad fell. On 1 May 2003, President Bush announced the end of major combat operations in Iraq. However, by mid-2004, a full-scale Sunni-led insurgency was underway and the CIA warned that full-scale civil war could emerge by the end of 2005.<sup>185</sup>

## **What Counterinsurgency Theory and Experience Tells U.S.**

How could such a successful invasion turn into a full-blown insurgency in just fourteen short months? Classical counterinsurgency theory provides a partial answer. Any insurgency, even the current one the U.S. is fighting in Iraq, is at its core a form of civil war where one disenfranchised group, in this case disaffected Sunni tribesmen, are attempting to overthrow the legitimately elected Iraqi government to achieve their political ends. Frank Kitson believes that, "the leaders of an insurgent movement have two separate but closely related jobs to do: they must gain the support of a proportion of the population, and they must impose their will on the government either by military force or by unendurable harassment."<sup>186</sup> Increasing popular support for an insurgent's cause is the lifeblood of any insurgency. Without it, the insurgent is cut off

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<sup>185</sup>Douglas Jehl, "U.S. Intelligence Shows Pessimism on Iraq's Future," *The New York Times* (September 16, 2004).

<sup>186</sup>Kitson, 32.

from the financial, logistical and political support he needs to sustain his operations. Without it, he is exposed with no place to hide. Without it, he falls easy prey to more powerful government counterinsurgency forces.

To defeat an insurgency is not easy. As T. E. Lawrence noted almost eighty years ago “Making war on insurgents is messy and slow, like eating soup with a knife.” To be successful, a government must first recognize that there is a threat and then do whatever is necessary to retain the allegiance of the population to defeat it. However, recognizing that there is a threat is not always easy. In the early stage of revolt, insurgencies are typically weak and vulnerable to government action. They remain concealed amongst the population building strength until they can act overtly. Once a government realizes the threat, they have to separate the population from the insurgents, redress the grievances that have influenced a portion of the population to directly or indirectly support the insurgents, and maintain this separation while it identifies the insurgents and either repatriates them or eliminates them. According to David Galula, “politics becomes an active instrument of operations. So intricate is the interplay between the political and the military actions that they cannot be separated: on the contrary, every military move has to be weighed with regard to its political effects, and vice versa.”<sup>187</sup>

The political interplay between counterinsurgent operations and retaining or regaining the political support of the population presents government with a dilemma. In Galula’s words:

The destruction of the insurgent force requires that they be located and immediately encircled. But they are too small to be spotted easily by the counterinsurgent’s direct means of observation. Intelligence is the principal source of information on guerillas, and intelligence has to come from the population, but the population will not talk unless it feels safe, and it doesn’t feel safe until the insurgent’s power has been broken.<sup>188</sup>

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<sup>187</sup>Galula, 5.

<sup>188</sup>Galula, 50.

To attain the objective of any counterinsurgency, the political support of the people, requires, “the integration of elements of national power--diplomacy, information operations, intelligence, financial and military--to achieve the predominately political goal of establishing a national government that can secure itself against internal and external threats.”<sup>189</sup> How a government or in this case, the U.S. civilian-military occupation forces in Iraq, organized and managed themselves, was critical to defeating the Iraqi insurgents.

Most counterinsurgency experts agree on a set of overlapping conditions, some already noted above, that must be in place if one wishes to defeat an insurgency.

- There must be “unity of effort” with military and civilian authorities acting in consort to defeat the insurgents. Elliot Cohen, currently a consular to the Secretary of State, underlies the importance of this concept when he said, “Unity of effort must pervade every level of activity, from the national to the neighborhood. Otherwise, well intentioned but uncoordinated actions can cancel each other out or provide a competent insurgent with many vulnerabilities to exploit.”<sup>190</sup>
- Politics, not military objectives are paramount and must guide all actions. Unlike conventional war, where the objective is the destruction of an opposing army by the application of maximum force, counterinsurgency warfare employs minimal force and focuses not on the enemy but the population. In the words of Galula, “The objective

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<sup>189</sup>Nagl, xvi.

<sup>190</sup>Eliot Cohen, Conrad Crane, Jan Horvath and John Nagl, “Principles, Imperatives and Paradoxes of Counterinsurgency,” *Military Review* (March–April, 2006), 50.

being the population itself, the operations designed to win it over or to keep it at least submissive are essentially of a political nature.”<sup>191</sup>

- To drive a wedge between the insurgents and their supporters, the counterinsurgency forces must understand the cultural terrain in which they are fighting. General David Petraeus, the current commander of U.S. military operations in Iraq, believes this is common sense since, “people are more likely to cooperate if those who have power over them respect the culture that gives them a sense of identity and self worth.” Failure to respect the Iraqi culture leads to alienation and a poorly performing counterinsurgency.
- Intelligence is the driver of all operations. Good intelligence can only be obtained from a cooperative and secure population. Without it, counterinsurgent operations must rely on massive sweeps, which net insurgent and non-insurgents alike. Use of this blunt instrument and the perceived injustices that it perpetrate, alienate local citizens and drive them into, not away from supporting the insurgency.
- Insurgents must be isolated from their support base. As Anthony Joes notes “Effective counterinsurgency means marginalizing the insurgents, by providing security to civilians.”<sup>192</sup> One proven way to accomplish this is to place counterinsurgent troops, preferable indigenous troops, in the neighborhoods they are committed to protecting and involving civilians in their own self-defense.<sup>193</sup>

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<sup>191</sup>Galula, 5.

<sup>192</sup>Anthony James Joes. *The History and Politics of Counterinsurgency: Resisting Rebellion* (Lexington, Kentucky: University Press of Kentucky, 2004), 289.

<sup>193</sup>Nagl, 128.

- Counterinsurgent efforts must transition as quickly as possible from the realm of military operations to the realm of local law enforcement and neighborhood development. Treating insurgents as criminals lowers their stature in the eyes of local citizens and gets the courts back into operation. Working in partnership with local leaders and citizen groups in neighborhood reconstruction legitimizes the government in power and begins the resurrection of local civic institutions essential for community cohesion and dispute resolution.

To achieve the above, means counterinsurgency operations are long-term efforts, requiring a protracted commitment. It is in effect “nation building” where the government through its counterinsurgency and law enforcement agencies first intervenes in communities to dismantle the insurgent’s control and governance apparatus. It must then rebuild a new one, continuously disempowering the insurgent element and empowering others.<sup>194</sup> By its very nature, this process consumes substantial resources and time.

While these concepts, gained through the bitter experience of small wars over the past half century remain valid in Iraq today, one additional consideration has to temper U.S. operational planning. Unlike the classic insurgent uprisings of the past that have pitted homegrown insurgents coalesced around different variants of nationalism against the state apparatus, the presence of Al-Qaeda affiliates as active participants in the Iraq War has changed the calculus of counterinsurgent operations. Not only is the U.S. fighting classic Sunni insurgents but also they must contend with AQ-I. Mary Kaldor believes groups like AQ-I represent a set of “new warriors” that differ for earlier revolutionaries in certain key respects. Like classic insurgents, they try to control the population, but they do so through creating fear rather than

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<sup>194</sup>James Dobbins and Keith Crane, *The Beginner’s Guide to Nation-Building* (Santa Monica, California: The Rand Corporation, 2006), 74.

consent. Their strategy is based on violence against civilians.<sup>195</sup> For example, AQ-I's Iraq operations have not, in large part, focused on direct attacks against U.S. forces but the execution of spectacular events such as car bombings in crowded markets that kill or maim hundreds, the destruction of holy Shi'a shrines, and the assassination of key Sunni and Shi'a leaders. Their strategy has been to provoke a Shi'a/Sunni civil war, which would eventually sap U.S. public support of the war and force the U.S. withdrawal of troops from Iraq.

The presence of different insurgent groups, both local and foreign, with different objectives and end states, who sometimes operate separately and at other time collaborate, blurs the distinctions between peace keeping, counterinsurgency and humanitarian assistance. In addressing the different priorities associated with each type of operation, Kaldor suggests that, "in peacekeeping operations the priority was peace, and in counterinsurgency the priority was military victory and both took precedence over human rights. In humanitarian operations, the priority is the maintenance of human rights and the protection of individuals rather than political power."<sup>196</sup> Unfortunately, Iraq represents all of these operational components in one complex mosaic. U.S. civilians and military personnel have been called on to simultaneously rebuild the Iraq nation state based on a democratic foundation while subduing the Sunni insurgency and destroying or expelling AQ-I influence from the country. How the U.S. balances these competing and sometimes complementary objectives will likely be the most important lesson the U.S. will take for its protracted war in Iraq.

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<sup>195</sup>Mary Kaldor, "Principles for the Use of the Military in Human Security Operations," in Anthony D. McIvor, *Rethinking the Principles of War* (Annapolis, Maryland: Naval Research Institute, 2005), 390.

<sup>196</sup>*Ibid.*, 391.

## U.S. Occupation of Iraq – Continual Mistakes, Continual Learning

U.S. invasion forces when it entered Iraq had one thing in mind, the capture of Saddam's "center of gravity" Baghdad. Once captured, senior military commanders correctly asserted that the régime would topple. These commanders planned for and executed an exceptionally effective conventional attack against a conventional enemy. Relying on intelligence provided by the CIA, commanders focused on defeating the Iraqi Army, not Saddam's paramilitary forces, the Fedayeen, which began harassing U.S. forces as they advanced on Baghdad.<sup>197</sup> While the troops on the ground adjusted to this new reality, senior White House and Pentagon officials refused to deviate from the pre-invasion strategy. In his after action analysis of the invasion, Michael Gordon pointed out:

Just as Rumsfeld and Franks failed to understand the enemy, they also did not understand the actual structure of political power in Iraq...on the first day of the invasion the United States was not fighting a purely conventional war...The attacks by the Fedayeen on the road to Baghdad demonstrated that the American-led coalition was contending with a decentralized enemy that was fanatical, not dependent on rigid command and control, and whose base of operation was disperse throughout the towns and cities of Iraq.<sup>198</sup>

Many analysts believe that the U.S. failure to identify and understand the nature of the Iraq insurgency led to civilian and military actions that exacerbated, rather than managed the growing insurgency.

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<sup>197</sup>The Fedayeen was a 40,000 strong force, established in the mid-90s to protect Ba'athist urban assets throughout Iraq. It was established following the first Iraqi War when Shia revolted and occupied a number of Ba'athist assets in the southern part of the country. The insurrection was savagely suppressed by Saddam's Republican Guards resulting in an estimated 16,000 Shia deaths. To protect these assets in the future, Saddam established the Fedayeen and placed them under the control of his son. Supported by caches of small arms and ammunition hidden through Iraq, the Fedayeen mission was to holding Ba'athist assets for up to 48 hours while the Republican Guard mobilized.

<sup>198</sup>Gordon, 499.

On 12 May 2003, L. Paul Bremer, a career diplomat who had served with Henry Kissinger and once headed the State Department's office of counterterrorism, arrived in Baghdad to take over the reins of the Coalition Provincial Authority (CPA). The Authority, a temporary civilian organization established by the Department of Defense, was tasked with running Iraq's administrative infrastructure until the Iraqi people were able to resume these duties themselves. According to Thomas Ricks, "Bremer headed to Iraq . . . to show that there was a new sheriff in town." He noted Bremer's desire that his arrival be marked by, "clear, public and decisive steps... to reassure Iraqis that we are determined to eradicate Saddamism."<sup>199</sup> His first actions, the issuance of two controversial edicts and the squeezing out of Zalmay Khalilzad, a State Department representative, who was slated to share administrative responsibilities with Bremer, were to have significant consequences.

Bremer's insistence on excluding Khalilzad cut off the CPA from the only person who had been meeting with Iraqi leaders to discuss the political arrangements for the new government. Gordon reports that the decision, which was apparently cleared by Rumsfeld, stunned the Secretary of State, Colin Powell, who indicated it was never discussed in any of the interagency meetings. In a conversation with Condoleezza Rice, the president's National Security Adviser, he complained that Khalilzad, "was the only guy who knew the Iraqi players and who was regarded as a trusted representative of the White House."<sup>200</sup> On May 15, 2003, Bremer nullified Khalilzad's personal commitment made to senior Iraqi government officials that discussions on the formation of an Iraqi interim government would be opened by the end of May. This initial decision began to sow the seeds of distrust between both the Iraqis and the U.S.

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<sup>199</sup>Ricks, 158

<sup>200</sup>Gordon, 475-76.



occupation and the Departments of State and Defense: distrust that was to persist over the next three years.

These dysfunctional relationships were to be intensified by Bremer's first two edicts, which had dual consequences; they fueled the nascent Fedayeen-based Sunni insurgency while alienating top U.S. military leadership in Iraq. The first decree, CPA Order #1 "De-Baathification of Iraqi Society," was issued on 16 May 2003. The order, apparently issued unilaterally, fired the top three echelons of Saddam's Ba'athist Party.<sup>201</sup> These party members made up the lion's share of the nation's public administrators, medical, legal and educational professionals, and public works engineers.<sup>202</sup> Gordon in *Cobra II* reports that the Baghdad CIA station chief when he heard the order commented that Bremer had disenfranchised more than 30,000 people.<sup>203</sup> Bremer's second order, CPA Order #2 "The Dissolution of Entities", dissolved the Iraqi armed forces, effecting 385,000 officers and men; the staff of the Ministry of Interior, another 285,000 police and domestic security forces; and the presidential security units, a force of some 50,000.

While the Secretary of Defense had been consulted prior to the public distribution of the order #2, other key players including senior U.S. military commanders, the Joint Chiefs of Staff and the president's National Security Advisor, were blindsided by the edict. Because Washington's had decided to limit the number of combat troops to be deployed to Iraq, top U.S. commanders were counting on the Iraqi army and allied troops to supplement their overstretched

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<sup>201</sup>There has been confusion over who Bremer actually worked for, the Department of Defense or the White House. On the one hand he reported to Rumsfeld and was paid by the Department of Defense. On the other hand, a decision taken by the U.S. Army's Legal Services Agency in response to a Turkish protest over the granting of a CPA mobile telephone contract, stated, "The CPA is not a federal agency." In addition, the CPA's web site ended in .org, not .gov as would have been the case if the CPA were a government agency. Ricks, 179.

<sup>202</sup>Thomas Ricks in his account of post-Saddam Iraq indicates that this move contradicted the decisions made by President Bush on March 10 and 11 at briefings on postwar Iraq. This view was affirmed by the Deputy Secretary of State in a subsequent interview. Ricks, 158.

<sup>203</sup>Gordon, 479.

forces. Bremer's edict abruptly excluded the Iraq army and law enforcement units from this equation.

Commenting on the impact of these two edicts, Ricks in *Fiasco* says, "Bremer's two orders threw out of work more than half a million people and alienated many more dependent on those lost incomes. Just as important, in a country driven by sectarian and ethnic fault lines--Sunni versus Shiite versus Kurd--and possessing few unifying national institutions, Bremer had done away with two of the most important ones."<sup>204</sup> Gordon reports that General Ray Odierno, the current Multinational Coalition-Iraq (MNC-I) commander, who was then serving in Northern Iraq at the time concluded, "that it would have been better to let the U.S. military call the shots on such important policy issues . . . . Bremer's Coalition Provisional Authority had been entrusted with important governance issues before it was ready to exercise the responsibility."<sup>205</sup>

These actions, especially the two CPA orders, immediately disenfranchised 20 percent of Iraq's population, who were Sunnis. This group, which dominated Iraq's power structure for over forty years, identified with an Iraq under Saddam, equated Shia dominance (60 percent of the population) with growing Iranian influence, and feared the establishment of an Iraqi Islamic state, which they believe was the ultimate goal of the Shi'a majority. Many of the Sunnis--former Ba'athist military, police, and intelligence officers and senior civil servants--who were been fired believed that they had been unjustly treated and became willing recruits, and in some cases, initiators of a growing Sunni insurgency. The public outcry over the edicts helped coalesce the growing number of small disparate Sunni insurgent groups around a common cause--to expel the U.S. occupation forces from Iraq. Public support amongst the Sunni population was immediate. As the insurgents gained organizational and operational strength, roadside bombings,

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<sup>204</sup>Ricks, 163.

<sup>205</sup>Gordon, 491.

kidnappings, suicide attacks, and lengthy battles with insurgents in Sammara, Baqubah, Fallujah, Najaf, and again in Najaf and Samarra led to growing U.S. and Iraqi civilian casualties.

With limited troops, field commanders did not have sufficient “boots on the ground” to hold all Sunni strongholds. In response to growing casualties, troops were withdrawn and redeployed to well fortified Forwarding Operating Bases (FOBs) outside urban areas. Reentering the cities required motorized armored convoys, which were used to collect intelligence and conduct local sweeps to round up suspected insurgents. This isolated U.S. troops from the local citizens. In addition, because there wasn’t enough troops to hold these areas, when they returned they found the insurgents back in business and the Iraqis who had cooperated with them previously gone, victims of terrorist reprisals.<sup>206</sup> Under such circumstances, Bard O’Neill warns, “regular military forces often resort to indiscriminate violence when frustrated by their inability to cope with elusive terrorist.”<sup>207</sup> Frank Kitson suggests that terrorist’s tactics are geared to generate just such a disproportional response. He says, insurgent, “Tasks may also include . . . carefully calculated acts of revolting brutality designed to bring excessive government retaliation on the population thereby turning them against the government.”<sup>208</sup>

As insurgent attacks became more prevalent and complex in the middle of 2003 and U.S. casualties mounted, the U.S. military fell into the trap Kitson warned against. In the late summer of 2003, senior U.S. commanders tried to counter the insurgency with indiscriminate large-scale cordon-and-sweep operations that involved detaining thousands of Iraqis, mostly Sunnis. In describing the events that unfolded, Ricks says, “Over the next several months, hundreds of raids were conducted and over ten thousand Iraqis were detained, many of them hauled away from

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<sup>206</sup>Interview with David Kilcullen, Senior Counterinsurgency Advisor to MNC-I, May 2007.

<sup>207</sup>O’Neill, 160.

<sup>208</sup>Kitson, 4.

their families in the middle of the night and held without any notification to those families for weeks. All told, in the first eighteen months of the occupation, some thirty to forty thousand Iraqis would pass through U.S. detention facilities.”<sup>209</sup> As the number of Iraqi’s detainees increased, the conditions in U.S. these facilities deteriorated. On 28 April 2004 images of inmate torture at Aub Ghraib, a detention facility just outside Baghdad, flashed across the world’s television screens. Just as the insurgents had hoped, the heavy-handed sweep methods combined with conditions in the U.S. managed facilities fueled the Sunni’s sense of dislocation. The invasion of Sunni homes, unjust arrests, poor treatment of detainees, and the growing violence largely targeted against Muslim citizens enraged both Iraq’s Sunnis community and the international Muslim community as a whole. U.S. actions only strengthened the latter groups belief that the occupation of Iraq as immoral. With the support of both these communities, the insurgency expanded.

These actions combined with the loss of power and privilege associated with the fall of Saddam, left the Sunni community disillusioned and despondent, making them, especially formally privileged Sunni youth, susceptible to the radical ideology of Al-Qaeda in Iraq (AQ-I). Made up of foreign and Iraqi fighters led by Abu Musab al-Zarqawi, AQ-I used Sunni support to smuggle weapons, foreign fighters and financing into Iraq. In return, AQ-I provided operational planning, training, weapons, limited financial support and technology to affiliated Sunni insurgent groups. By attacking both Sunni and Shia civilian targets, AQ-I sought to fuel the historical Shi’a/Sunni theological divide and promote internecine warfare, thus destabilizing the new government. Kenneth Katzman believes this strategy, which was crafted by Zarqawi, sought to:

Provoke all out civil war between the newly dominant Shiite Arabs and the formerly pre-eminent Sunni Arabs. In this strategy...Zarqawi apparently calculated that provoking civil war could, at the very least, undermine Shiite

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<sup>209</sup> Ricks, 199.

efforts to consolidate their political control of post-Saddam Iraq. AQ-I apparently hoped that, if fully successful, the strategy could compel U.S. forces to leave Iraq by undermining U.S. public support for the war effort, and thereby leaving the Shiite government vulnerable to continued AQ-I and Sunni attack.<sup>210</sup>

This suggests that U.S. actions in Iraq may not have been caused by Al Qaeda's presence, but may have provided the circumstances under which it expanded. Some observers argue that the U.S. presence in Iraq has created a situation similar to that which existed during the Russian occupation of Afghanistan. They argue that the U.S. presence has provided the incentives and international publicity needed for groups like AQ-I to successfully recruit additional fighters from both inside and outside Iraq to join the insurgency. Kenneth Katzman believes these fighters entered Iraq after the fall of Saddam Hussein, from the Kurdish controlled north and from Middle Eastern countries. He suggests that they are not motivated by nationalism but, ". . . by an anti-U.S. ideology and a target of opportunity provided by the presence of U.S. troops there, rather than longstanding ties to the former Iraqi regime."<sup>211</sup> This view gained some credibility when the unclassified "key judgments" of the July 2007 National Intelligence Estimate said, "we assess that [Al Qaeda central leadership's] association with AQ-I helps Al Qaeda to energize the broader Sunni extremist community, raise resources, and to recruit and indoctrinate operatives, including for homeland attacks."<sup>212</sup>

The extent of AQ-I's role in the insurgency has from the very beginning been controversial. The President has consistently maintained that AQ-I elements are a key component in the insurgency; that AQ-I is connected to the Al-Qaeda leadership in Pakistan; and that this Al-

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<sup>210</sup>Kenneth Katzman, "Iraq and Al Qaeda," (Washington, DC: Congressional Research Service, 7 December 2007), 11.

<sup>211</sup>Kenneth Katzman, "Iraq and Al Qaeda," 1-2..

<sup>212</sup>"Key Judgments on Terrorists Threats U.S.," *New York Times* (18 July 2007).  
<http://www.nytimes.com/2007/07/18/washington/18itext.html> (accessed 19 April 2008).

Qaeda role is a central reason that the United States needs to continue to conduct active combat in Iraq. Commenting on the Iraq insurgency as far back as September 2003, President Bush said, “We have carried the fight to the enemy . . . . We are rolling back the terrorist threat to civilization, not on the fringes of its influence but at the heart of its power.”<sup>213</sup> A few months later in his State of the Union message, he said, “These killers [Iraq insurgents], joined by foreign terrorists, are a serious, continuing danger.”<sup>214</sup> Subsequent statements by the president up to the present have provided a clear message to Iraq commanders about the importance the administration places on the capture or destruction of AQ-I operatives and leaders. While a significant proportion of the military establishment support this view, other Iraq commanders do not. They contend that, “major bombings (*Ed.* initiated by AQ-I) constitute a small percentage of overall attacks in Iraq, and that most of the U.S. combat deaths come from road side bombs and direct or indirect munitions fire wielded by Iraqi Sunni insurgent fighters.”<sup>215</sup>

As evidence mounted that the U.S. was confronting a full-scale AQ-I/Sunni insurgency, the mood in Washington and Baghdad shifted to accept Iraq’s new realities. In the summer of 2004, General George Casey arrived in Iraq to take over command of Multi-Coalition Forces--Iraq (MNC-I). One of his first actions was to initiate a series of studies to determine the current situation and determine what had gone wrong.<sup>216</sup> His team, using a counterinsurgency analytical lense, found that the initial U.S. approach adopted only one, an emphasis on intelligence, out of twelve common practices that characterized successful counterinsurgency operations since the

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<sup>213</sup>James Risen, “Iraqi Agent Denies He Met 9/11 Hijacker in Prague Before Attacks on U.S.” *New York Times* (December 13, 2003). <http://www.nytimes.com/gst/fullpage?res> (accessed 19 April 2008).

<sup>214</sup>George W. Bush, “State of the Union Message,” About.com:USGovInfo (21 January 2004).

<sup>215</sup>Kenneth Katzman, “Iraq and Al Qaeda,” 12.

<sup>216</sup>Casey arrived with a nine-man team of professional analysts, mandated to think innovatively about ways to improve the U.S. Iraq strategy. The team was composed of U.S. military personnel each with a PhD and most with extensive training and experience in conducting counterinsurgency warfare.

1900.<sup>217</sup> Summarizing their report, Ricks indicated that U.S. operations, “hadn’t established and expanded secure areas. The insurgent’s weren’t isolated from the population. There was no program of amnesty and rehabilitation for them . . . and the police were not in the lead of the fight, supported by the military.”<sup>218</sup> As U.S. forces restructured to focus squarely on a now well-organized and entrenched insurgency, the tempo of violence and U.S. casualties rapidly increased. While the loss of any life whether civilian or military in a war is tragic, the international press focused almost exclusively on the losses as a sign that the U.S. execution of the war was failing. Caught in the middle of this growing violence, it is not surprising that the Iraqi public continued to believe that the U.S. military presence was, “provoking more conflict that it was preventing.” According to public polls conducted in early 2005, this view was held by “78 percent overall, and 82 percent of Shias and a near unanimous 97 percent of Sunnis.”<sup>219</sup>

As U.S., Iraqi and international public opinion for the occupation turned against the U.S., the military began for the first time to implement a campaign plan focused solely on the defeat of the insurgents. Not deterred by the loss of public support, Casey pushed on with a dual civilian-military strategy. On the civilian side, he developed a closer working relationship with the new U.S. Ambassador, John Negroponte, who was now responsible for reconstruction. This new relationship, based on consultation and cooperation, replaced the often-testy relationship that had existed between MNC-I and the Embassy. Through this improved relationship, local Iraqis, for the first time, were formally brought into the reconstruction planning process. In June 2005, the ambassador established the Provincial Reconstruction Development Committees (PRDCs), joint

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<sup>217</sup>For more detail on best practices in counterinsurgency see Sepp, Kalev, “Best Practices in Counterinsurgency,” *Military Review* (May/June 2005), 8-12.

<sup>218</sup>Ricks, 393.

<sup>219</sup>World Public Opinion, “Most Iraqis Want U.S. Troops out within a Year” (27 September 2006) <http://www.worldpublicopinion.org/pipa/articles/brmiddleeastandafrika/250.php> (accessed 20 February 2008)

Iraqi-U.S. civilian infrastructure rehabilitation planning groups, in each of Iraq's nineteen provinces. This was followed by a set of unprecedented major political events: the first-ever national elections for a transitional government in January 2005, a referendum on the new Iraqi constitution in October 2005, and the election of Council of Representatives in October 2005. These steps led to the formation of a new Iraqi government in May 2006. The United Iraqi Alliance, Iraq's most powerful Shia Muslim party, won a majority of seats. Unfortunately, Sunni political parties boycotted the election.

In unison with the elections, joint civilian and military Provincial Reconstruction Teams (PRTs) were established in October 2005 to begin coordinating civil-military support provided to the newly established provincial councils.<sup>220</sup> The teams, led by a representative from the State Department with a military deputy, were charged with assisting Iraqi provincial officials to improve provincial government capabilities in the provision essential public services, a requirement of the new Constitution. The effectiveness of the PRTs in executing their role is discussed below.

Successes on the military side, however, were not as forthcoming. A key element in General Casey's plan was to eliminate safe havens for insurgents before the first round of parliamentary elections in 2005. This meant retaking the city of Fallujah, a Sunni city of perhaps 250,000 west of Baghdad that had been converted into an insurgent stronghold. The U.S. entry into the city set off violent fighting not only in Fallujah, but in other Sunni dominated cities throughout Iraq. The intense house-to-house battle in Fallujah resulted in the death of over 1,000 insurgents and the destruction of countless public and private dwellings. The operation was touted

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<sup>220</sup>There are currently 10 PRTs operating in Iraq. A senior State Department official leads the teams with the assistance of U.S. Agency for International Development (USAID), the Departments of Justice (DOJ) and Agriculture (DOA), and U.S. Army's Corps of Engineer (USACE) and Civil Affairs (CA) representatives.



as an operational success and the battle clearly demonstrated that insurgents could not directly confront U.S. forces in urban battle. It, however, had its drawbacks: it further alienated Iraq's Sunni population. In an after action assessment of the battle, Jonathan Keller, a former Marine officer, said, "The battle for Fallujah was not a defeat . . . but we cannot stand many more battles like it."<sup>221</sup>

As a result of the costly defeat in Fallujah, insurgents began to rely more on indirect attacks on U.S. forces (roadside bombings, ambushes, and motor attacks) and attacks that directly targeted civilians (kidnappings, assassinations, and car and suicide bombings). On 22 February 2006, AQ-I blew up the Askariya mosque in Samarra, the second most holy Shia shrine in Iraq, setting off a wave of sectarian violence the magnitude of which had never been seen in Iraq. By July 2006, the *New York Times* reported, "An average of more than 110 Iraqis were killed per day... At least 3,438 civilians died violently that month, a 9 percent increase over the total in June and nearly twice as many as in January."<sup>222</sup> One day later, the *Times* commenting on MNC-I and U.S. intelligence reports announced that roadside bomb incidents had dramatically increased by 45 percent to 2,625 during the first six months of 2006. The article went on to say, "new assessments by the military and intelligence community provide evidence that violence in Iraq is at its highest level yet. They describe twin dangers facing the country: insurgent violence against Americans and Iraqi security forces . . . and the primarily sectarian violence seen in Iraqi-on-Iraqi attacks aimed at civilians."<sup>223</sup> Fear of full-scale sectarian war, led to the displacement of

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<sup>221</sup>Jonathan Keller, "Who Won the Battle of Fallujah?" *Proceedings Magazine* 131 no. (1 January 2005). <http://www.U.S.ni.org/magazines/proceedings/archive/story.asp> (accessed 17 February 2008).

<sup>222</sup>Edward Wong and Damien Cave, "Iraqi Death Toll Rose Above 3,400 in July," *The New York Times* (August 16, 2006) <http://www.nytimes.com/2006/15/world/middleeast/15cnd-iraq.html> (accessed 17 February 2008).

<sup>223</sup>Michael Gordon, Mark Mazzetti and Thom Shanker, "Bombs Aimed at G.I.'s in Iraq Are Increasing," *The New York Times* (17 August 2006) <http://www.nytimes.com/2006/08/17/world/middleeast/17military.html> (accessed 17 February 2008).

over 150,000 Iraqis who, “left their community of origin primarily because of direct or indirect threats against them or attacks on family members and their community.”<sup>224</sup> These events and their attendant consequences influenced the U.S. military to propose and the president to agree to the deployment of an additional 30,000 troops to Iraq in early 2007 when General David Petraeus., one of the authors of the Army’s new *Counterinsurgency Field Manual*, took over command from General Casey.

One of his first steps after arriving in Baghdad was to update the Casey plan incorporating classical counterinsurgency tactics. Starting in Baghdad and then expanding to other key Iraq cities, the plan, publically dubbed “the surge,” positioned brigade level forces within urban districts. These troops in turn established Joint Security Stations (JSSs) staffed by Iraqi and U.S. troop in neighborhoods and undertook daily neighborhood foot patrols. To complement these enhanced security measures, embedded Provincial Reconstruction Teams (ePRTs) were established within each of the brigades to advise on governance and economic development issues. Where troops could not be stationed in sufficient numbers to assure the population’s security, citizen militias were trained and equipped to carry out the task. The “surge” was part of a classified Joint Campaign Plan developed by a civilian-military team in cooperation with the U.S. Embassy and other U.S. agencies working in Iraq. The plan focused on, “efforts to build governance capacity, communicate strategically, spread the rule of law, and bring about reconciliation between competing factions.”<sup>225</sup>

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<sup>224</sup>U.S. Government Accountability Office, “Stabilizing Iraq: An Assessment of the Security Situation,” (11 September 2006), 9.

<sup>225</sup>Richard Lowry, “The Joint Campaign Plan,” *The Daily Standard*, London, UK (2 August 2007) <http://www.weeklystandard.com/ontent/Public/Articles/000/000/013/935tlkui.asp> (accessed 17 February 2008).

As these events unfolded, Iraqis began to publically voice opposition to the violent tactics that both the Sunni and AQ-I insurgents were employing. The public rejection of AQ-I operational tactics combined with inroads that coalition forces had achieved when they began pursuing a full-fledged counterinsurgency strategy, eventually led Sunni tribal leadership in 2007 to denounce AQ-I. Since then, a growing proportion of the Sunni population and its tribal leadership have actively opposed AQ-I through increase cooperation and information sharing with U.S. forces. This has led to dramatic declines in terrorist attacks and the dislodging of significant components of AQ-I terrorist units from their traditional safe havens in Baghdad and the Sunni Triangle. In his testimony before Congress in September 2007, General Petraeus indicated that attacks on U.S. and Iraqi security forces were down, civilian deaths nation-wide had declined 45 percent in 2007 (70 percent in Baghdad), and ethno-sectarian deaths, which skyrocketed after the Sammara mosque bombing were down 55 percent in 2007 (80 percent in Baghdad). While the Iraqi insurgents still represent a formidable threat, Iraq counterinsurgency efforts and their impacts seem to be heading in the right direction.

## **What Went Wrong and Why Did It Take So Long to Correct?**

Any comprehensive assessment of the War in Iraq must begin with the White House's decision to oust Saddam Hussein's repressive regime by military means. While this decision has attracted a flood of media, political and public commentary over the past five years, the volume and intensity of the debate has distracted many from its root cause: poor intelligence. Russell believes, "American intelligence performance in assessing Iraq's WMD programs prior to 2003 was a catastrophic intelligence failure, and arguably one of the greatest intelligence failures since

the CIA's inception in 1947.”<sup>226</sup> The fact that the White House relied exclusively on what we now know to be faulty intelligence to justify the U.S. invasion has had systemic consequences. Unlike Afghanistan, it has constrained U.S. capacity to marshal a truly international coalition to assist in Iraq. In addition, the broad based criticism of the White House's decision to invade Iraq upped the political stakes around the decision and established an “us-them” atmosphere in the White House where open debate and criticism were discouraged. This resulted initially in the top down development and execution of strategic and operational planning that focused solely on a short duration, decisively conventional war fight, not the protracted mix of conventional and unconventional warfare that U.S. troops experienced on entry into Iraq. Finally, the politically charged atmosphere during the initial years of the Iraq war may have delayed key decisions to transition from a conventional to a non-conventional war fight.

On the operational side, a number of analysts criticize the U.S. military establishment, as a whole, for not preparing itself for the inevitable small asymmetrical warfare that unfolded in Iraq. Many commentators believe this type of warfare will be the hallmark of military conflicts during the twenty-first century. Michael Melillo in his assessment of military capabilities says, “Looking back now four years into the Global War on Terrorism, one can plainly see the U.S. military was blinded by its preferences for conventional war and failed to recognize the threat posed by irregular enemies.”<sup>227</sup> Some blame the U.S.'s experience in Vietnam for purging the lessons learned about fighting guerillas from the U.S. Army's institutional memory.<sup>228</sup> Others accuse the Pentagon of tunnel vision, which blinded defense planners from seeing the threats

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<sup>226</sup>Russell, 458.

<sup>227</sup>Michael R. Milillo, “Outfitting a Big-War Military with Small-War Capabilities,” *Parameters* (Autumn 2006): 22.

<sup>228</sup>Robert M. Cassidy, “Back to the Street without Joy: Counterinsurgency Lessons from Vietnam and Other Small Wars,” *Parameters* (Summer 2004): 74.

posed by ethnic and tribal rivalries, religious zealotry, transnational terrorism, and illegitimate or brutal governments as anything other than nuisances, and humanitarian operations, peacekeeping, and “nation-building” as lesser missions.<sup>229</sup>

While each of these analysts likely has a piece of the puzzle, one has to look at how the occupation unfolded and the political, diplomatic and military forces at play to fully understand what happened. Needless to say the heavy-handed nature of U.S. operations during the first three years of the Iraq occupation and the delayed realization that the U.S. was not fighting a conventional but a counterinsurgent war led many to conclude that there are a number of structural flaws in the U.S.’s approach to combating violent Islamic terrorists in Iraq and elsewhere.

First and foremost, there is no doubt that the U.S. military came to Iraq to capture and neutralize Iraq’s stockpiling and potential use of WMD. To do so they had to engage and destroy Saddam’s Republican Guards in conventional battle. As such, the composition and operational procedures of U.S. forces were mismatched to a growing insurgent threat. Ricks notes that, “The U.S. mission in Iraq was overwhelmingly made up of regular combat units, rather than smaller, low profile, Special Forces troops, and in 2003 most conventional commanders did what they knew how to do best: send out large numbers of troops and vehicles on conventional combat missions.”<sup>230</sup> In addition, because the military had planned on a vigorous fight up front then a timely withdrawal following victory, they did not have the intelligence capabilities required to fight a protracted counterinsurgency. This resulted in a lack of solid field level intelligence, the fuel that drives a counterinsurgency operation.

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<sup>229</sup>Barnett, 59-60.

<sup>230</sup>Ricks, 195.

The U.S. Army's Center for Army Lessons Learned (CALL) assessed military intelligent efforts in 2004. Their report identified a number of major problems: there were too few human intelligence gathering teams for the task at hand; those that were deployed were overworked, poorly trained and focused on the wrong enemy, the foreign fighters associated with Al-Qaeda not the more numerous Sunni insurgents; and the available teams were poorly led with many combat commanders having a poor understanding of how to use their intelligence teams effectively. When good intelligence was collected at the battalion and brigade level it often did not make its way up the chain of command to the regiment and corps level where it could be integrated into a theater wide understanding of the problem.<sup>231</sup> Finally, as increased insurgent violence drove the number of U.S. casualties up, an extremely sensitive statistic in any effort to maintain the support of the U.S. public, senior commanders chose to withdraw troops from community policing, a key element in counterinsurgency operations. This provided insurgents, including AQ-I, with an open urban playing field to continue organizing and solidify the already substantial Sunni opposition to the U.S. occupation.

The inability of the military to respond to the growing insurgency cannot be laid sole at their doorstep. Other equally important political, institutional, and staffing problems that affected the way the U.S. prepared for and executed Iraq operations were at play. For example, Washington leadership in both the White House and Pentagon was unprepared for and played down the growing insurgent problem. According to Gordon, this lack of flexibility originated in how the president organized and used his senior staff. The Vice President, Dick Chaney, the former Secretary of Defense under Bush's father, was selected as his second in command for his extensive experience. According to most political commentators Chaney has been the most powerful vice president in history preferring his one-on-one relationship with the president rather

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<sup>231</sup>Ricks, 193-194.

that more open forums, like the NSC, to present his views on Iraq. As head of the Bush transition team, he brought Rumsfeld into the cabinet. It was Rumsfeld, not Chaney, who was often vocal in NSC meetings. In describing this relationship, Gorgon said, “The president would preside, the vice president would guide, and the defense secretary would implement.”<sup>232</sup>

How this played out in preparations leading up to the invasion of Iraq meant that the NSC became the podium where policy, already decided upon by the president, vice president and Secretary of Defense would be announced, not debated. In addition, the Secretary of State, Colin Powell, was relegated to playing the odd man out in preparing post Saddam stabilization plans, and the president’s aversion to “nation building” dominated. For example, in the limited discussions of post-Saddam Iraq that occurred prior to the invasion, the State Department’s year-long effort to map out what should be done in post-Saddam Iraq, the “Future of Iraq” project, was ignored and those who participated in the project excluded from the Defense Department team that was to administer Iraq.<sup>233</sup>

The marginalization of State in the prewar planning process added one more source of friction to the already testy relationship that existed between the Departments of State and Defense.<sup>234</sup> Ricks reports, “Powell and Rumsfeld didn’t seem to get along . . . There were deep

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<sup>232</sup>Gordon, 39.

<sup>233</sup>The “Future of Iraq” project compiled thousands of pages of reports and recommendations from a range of experts on government, oil, criminal justice and agriculture in Iraq. Two of the leaders of the effort, Thomas Warrick and Meghan O’Sullivan, were excluded from the Defense planning team by Rumsfeld, who didn’t believe they were truly committed to the president’s vision of creating a “democracy” in Iraq. Seven additional State officials were also rejected. In the heated debate that ensued, it took a week to resolve the disagreement. O’Sullivan and five of the seven other State officials were finally accepted, their position on the planning team was marginalized.

<sup>234</sup>Until the late 1950s, the DOS was the president’s and Congress’s chief foreign policy advisor. This position began to erode in 1947 with the establishing of the NSC. Largely at the urging of the DOD, the Council provided Defense with a platform to object to foreign policy determinations reached by the DOS that they thought were beyond U.S. government capabilities. This rift was only exacerbated in the 1960s, 1970s and 1980s as subsequent presidents relied on their own offices or the DOD to formulate foreign policy.

disagreements between them over Iraq, and those ran down into their departments.”<sup>235</sup> These internal disputes established an environment where the debate over options not within the parameters set by the Secretary of Defense and the Vice President were discouraged. This resulted in a Rand Corporation study in 2005 that concluded the, “Post-conflict stabilization and reconstruction were addressed only very generally, largely because the prevailing view that the task would not be difficult.”<sup>236</sup>

The political capital invested by members of the Bush administration in developing the Iraq strategy in opposition to a number of critics within and outside the administration resulted in a rigid environment that discouraged debate and adjustment and rewarded by-the-orders implementation. Woodward indicated in his assessment of the post invasion White House that, “Bush and the administration had to accept the consequences of their Iraq decisions; they were becoming dangerously protective of those decisions. There was no one in the White House who could break through to insist on a realistic reassessment.”<sup>237</sup> The need to defer public criticism of strategy implementation and effectiveness led administration spokespersons in the early post-invasion period to under play the importance of the insurgency and the threat it imposed. For example, in a 2003 Pentagon briefing, the Secretary of Defense refused to call the situation in Iraq a war, saying, “There’s no question but that in those regions where pockets of dead-enders are trying to reconstitute, General Franks and his team are rooting them out.” Later that day, his Deputy Secretary, Paul Wolfowitz, in testimony before the U.S. Senate called the insurgents,

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<sup>235</sup>Ricks, 102.

<sup>236</sup>Ricks, 111.

<sup>237</sup>Woodward, 415.



“remnants of the old regime . . . the last remnants of a dying cause.”<sup>238</sup> This depiction was far from the reality that commanders were facing in Iraq.

This environment not only affected Washington discussions but also found its way into interdepartmental relations in Iraq. As insurgent activities on the ground intensified, both senior military commanders and State Department officials were reticent to formally alter the conventional Iraq war fighting strategy or to engage in the extensive interagency debate required to develop a realistic post war transition strategy. While field commanders and their troops on the ground introduced some extremely innovative tactics to deal with the insurgents, the original operational and strategic plans remained intact.

Because of the limited time devoted to post-war planning i.e. eighteen months were spent on war planning and only two on post war planning, there was some confusion about who would manage post war Iraq. To clear up the confusion, the president issued the classified National Security Directive #24 on 20 January 2003, which set up the Office of Reconstruction and Humanitarian Assistance (ORHA) in the Defense Department. Conrad Crane, the Army historian who later studied the record of the planning for the war, concluded that the establishment of ORHA just two months before the beginning of fighting simply came too late to be helpful.<sup>239</sup>

The new office was provided with a laundry list of responsibilities ranging from humanitarian relief, reshaping the Iraq military, and dismantling weapons of mass destruction.<sup>240</sup>

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<sup>238</sup>Ricks, 169-170.

<sup>239</sup>Conrad C. Crane and Andrew Terrill, *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces* (Honolulu, Hawaii: University Press of the Pacific, 2004), 87.

<sup>240</sup>In addition to these responsibilities, ORHA was also tasked with: defeating and exploiting terrorist intelligence; protecting natural resources and infrastructure; rebuilding the economy; reestablishing key civilian services such as food, water, electricity and health care; reshaping the Iraqi military by reestablishing a reformed, civilian-controlled armed forces; reshaping other internal security forces; and, transitioning to an Iraq-led authority over time. Woodward, 283.

While this made sense on paper, given the uncertain security situation that might prevail after Saddam's fall, in reality the DOD nor the ORHA had neither the experience nor professional staff to carry out this expansive mandate. Commenting on the department's reconstruction capabilities, Andrew Rathwell noted that;

In practice, the Department of Defense had forgotten its experiences in reconstruction after the Second World War and the Vietnam War, had limited recent experience in the civilian aspects of post-conflict reconstruction, and lacked internal capacity to staff civilian nation-building operations. The Department of Defense sought to build this capacity rapidly . . . but at the same time had to rely on other agencies, such as the Departments of State, Justice and Treasury, that were not under Department of Defense command.<sup>241</sup>

As a result, key elements of the reconstruction effort carried out by these latter agencies, in addition to those supported by the U.S. Agency for International Development (USAID), the U.S. government's foreign assistance development agency, fell under the authority of the U.S. Ambassador, not the head of the ORHA. Inevitably, disputes arose over the difficult task of staffing out a fully operational reconstruction strategy. Reaching compromise was often difficult and was not facilitated by the dysfunctional relationship that existed between the Secretaries of Defense and State in Washington. According to Ricks;

The effect was that the U.S. occupation in its very nature violated the fundamental military principle of unity of command--that is, having one person in charge of the effort, so that all hands have a common goal and work together toward it. The need for such unity is especially pronounced in a counterinsurgency campaign, which is more difficult to oversee than conventional operations, and in which military actions must always be judged by their political effects.<sup>242</sup>

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<sup>241</sup>Andrew Rathwell, "Planning post-conflict reconstruction in Iraq: what can we learn?" *International Affairs* 81 (2005), 1025.

<sup>242</sup>Ricks, 179-180.

In Baghdad, this dysfunctional relationship led to a rapidly changing architecture of civilian roles and responsibilities that often conflicted and seldom complemented ongoing military efforts. For example, Rumsfeld's selection to head up the ORHA, retired Lieutenant General Jay Garner, remained only a few short months in Baghdad before his and the tenure of his reconstruction team was abruptly terminated.<sup>243</sup> J. Paul Bremer, his replacement, arrived on 12 May, and established the Coalition Provisional Authority (CPA), ORHA's replacement. However, because of the political turmoil in Washington critics believe the organization was never very effective. According to an Andrew Rathmell, "the CPA was always a work in progress . . . In its short life, the CPA had to change course in response to a number of major policy shifts," such as the decision to shift from a humanitarian assistance to full scale reconstruction effort in 2003. Unfortunately, this was occurring while, "its civilian staff was at half the planned strength; it had too few personnel, especially at senior levels, with experience in the region or in post-conflict environments; the recruitment mechanisms were ad hoc; and there was far too rapid a turnover of staff."<sup>244</sup> These internal problems were compounded by external pressures placed by the State Department first to get greater influence within the CPA (November 2003) and eventually to replace it as the civilian manager of Iraq reconstruction (June 2004).

The long-standing rift between the Departments of State and Defense, the poor performance of the DOD's civilian reconstruction component, the CPA, and State's successful takeover as Iraq's reconstruction manager, generated an ambiguous relationship between civilian and military leaders who had joint responsibilities for identifying and implementing an effective

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<sup>243</sup>Garner arrived in Baghdad on April 18. He was informed he was being replaced by J. Paul Bremer on April 24. He stayed on to manage the transition and departed Baghdad in early June of 2003.

<sup>244</sup>Office of the Inspector General of the Coalition Provisional Authority, "Audit Report: Management of Personnel Assigned to the Coalition Provisional Authority in Baghdad," Report no. 04-022 (June 2004), 1.

counterinsurgency strategy. Calling upon experience gained in Afghanistan regarding the effectiveness of civilian/military Provincial Reconstruction Teams (PRT), State established the first pilot Iraq Provincial Reconstruction Teams (PRTs) in Basra, Babil, and Ninawa Provinces in October 2005.<sup>245</sup> These were eventually followed by an additional seven PRT and ten embedded PRTs (ePRTs) at the brigade level over the next fifteen months.

Performance of the PRTs and later ePRTs, smaller civilian-military reconstruction teams embedded with brigades in Baghdad, Anbar and Babil Provinces have been mixed.<sup>246</sup> In their review of the effectiveness of PRTs in 2007, the Office of the Special Inspector General for Iraq Reconstruction and Development (SIGIR) found that;

“Despite the best efforts of PRT civilians and military officials who are working under dangerous and austere conditions to accelerate the Iraqi transition to self reliance, resolving these problems will likely be a slow process. It will require years of steady engagement and will depend heavily on the security environment and political settlements at the national level.”<sup>247</sup>

The assessment went on to identify the lack of “clearly defined objectives and performance measures to guide the PRTs and determine their accomplishment” as a key constraint to improved performance.<sup>248</sup> It identified, “frequent instances in which the military’s use of CERP (*ed.*

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<sup>245</sup>While PRTs in both Afghanistan and Iraq are committed to assisting local governments to reestablish their legitimacy by strengthen the rule of law, improved the provision of public services, and reenergizing local economies, each operate within a different environment. In Afghanistan, there is relatively little governmental infrastructure below the federal level and PRTs are managed by the U.S. military and its coalition partners. In Iraq, there is an extensive provincial governmental infrastructure which needs to be modernized and restructured to effectively use the financial resources, \$2.0 billion annually, that the federal government has made available to the Provinces. The Iraq PRTs and ePRTs with the exception of two are exclusively the responsibility of the DOS with extensive U.S. military support.

<sup>246</sup>There are currently 15 ePRTs operating in Baghdad, Anbar, Babil, Dayala and Wassit Provinces. Teams composed of State Department, USAID, and contract development specialists serve as the governance and economic development staff to the Brigade Commander.

<sup>247</sup>Office of the Special Inspector General for Iraq Reconstruction, “Review of the Effectiveness of the Provincial Reconstruction Team Program in Iraq,” (18 October 2007). iv.

<sup>248</sup>*Ibid.*, 33.

Commander's Emergency Response Program funds) to perform tasks that properly belonged to local and provincial government, conflicts with the PRT's capacity development mission."<sup>249</sup>

The lack of coordination between Brigade Commanders located in PRT coverage areas indicates deeper planning and communications problems. This was one of the areas highlighted in a U.S. Army's Center for Lessons Learned (CALL) evaluation in late 2007. Sighting the earlier negative SIGIR evaluation, the CALL report indicated that many of the problems had been resolved between the time that the SIGIR team was collecting their field data and report publication. For example, each PRT is now required to work with military colleagues to develop a Joint Common Plan with an appropriate results monitoring component that coordinates and measures progress by both the PRT and military governance and economic development efforts within a province. To assure coordination and oversee PRT performance from the interagency perspective, Multinational Forces-Iraq (MNF-I) and the U.S. Ambassador have called for the creation of a joint PRT Steering Committee to include participation of State, military and USAID representation.<sup>250</sup>

While these efforts should improve civil-military coordination, other structural issues ,only eluded to in the evaluations, remain troubling. Senior Foreign Service Officers assigned to the State Department, have been placed in leadership roles in each of Iraq's PRTs. However, these officers have spent the majority of their careers in long established and well run embassies where their major duties have focused on representing U.S. foreign policy interest to national government leaders and monitoring, analyzing and reporting on local trends that could affect these policies. Consequently, they have only limited knowledge about how development

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<sup>249</sup>Ibid., 4.

<sup>250</sup>Center for Army Lessons Learned, "Initial Impressions Report: Provincial Reconstruction Teams, Operation Iraqi Freedom," Ft. Leavenworth, Kansas (December 2007), 7-9.

strategies, a key element in the Iraqi reconstruction process at both the provincial and national level, are developed and implemented. In addition, this cadre has limited experience in managing large-scale government procurements. Most officers have never been involved the design of large-scale procurements, and have never implemented or monitored procurements to achieve strategic development objectives. Foreign Service Officers assigned to USAID do have these skills but have not been assigned leadership responsibilities in either the PRTs or ePRTs. Under these circumstances, it is not surprising that the SIGIR audit report identified the lack of, “clearly defined objectives and performance measures to guide the PRTs and determine their accomplishments,” as a key audit finding.

In addition, the ability of civilian agencies to participate fully in Iraq and Afghanistan reconstruction operations, are severely limited for a variety of other reasons. First, during the 1990’s operating budgets in both State and USAID were significantly curtailed and staffing levels declined. Currently there are only 5,500 Foreign Service Officers (FSOs) serving in both agencies to oversee U.S. diplomatic and development efforts worldwide.<sup>251</sup> Given the increased requirements placed on development as part of the president’s Global War on Terrorism, the U.S. currently finds that it does not have the trained work force needed to carry out these new responsibilities.<sup>252</sup> The limited supply of FSOs has forced the U.S. military to take on new reconstruction and development responsibilities for which they are not trained nor have the experience to carry out effectively. This removes essential military manpower from their core task, increasing stability and defeating insurgents. Second, like the military, other U.S. government agencies, such as the Departments of Agriculture, Treasury and Justice, whose

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<sup>251</sup>USAID staffing levels have dropped from 8,500 Foreign Service Officers during the height of the Vietnam War to 1,000 today.

<sup>252</sup>U.S. Congress, Committee on Foreign Relations, “U.S. Embassies Grapple to Guide Foreign Aid,” (16 November 2007), 2 and 5-6.

participation in the Global War on Terrorism is essential, have neither the staff nor the field experience required to effectively carry out their new in-country development responsibilities. For example, the Department of Agriculture through their Agricultural Attaché Service, maintains representation in U.S. Embassies through the world. However, their major duties focus on agricultural trade not development, a key element in the successful operations of organizations such as the PRTs. Third, Foreign Service Officers who take an investiture oath to serve wherever required throughout the world as required by the president have not volunteered in sufficient numbers to take up essential positions in Iraq and Afghanistan. Although the U.S. government has spent substantial time and effort to recruit volunteers and established significant incentives for their service in each of these countries, both State and USAID lack the internal forced placement policies that seem to be required to fill all required posts.<sup>253</sup>

As the above narrative suggest, there have been a plethora of problems associated with the U.S. occupation of Iraq. In some instances, the brave American men and women, both civilian and military, who have served there, have come up with innovative solutions that have resolved pressing implementation and stability problems. In other cases, more basic structural issues continue to inhibit civil-military coordination. These constraints if not resolved will continue to inhibit the U.S. ability to conduct “nation-building efforts” both in Iraq and in other failed states where Al-Qaeda and the global Salafist jihad are likely to seek sanctuary in the future.

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<sup>253</sup>The reduction in the number of Foreign Service Officers over the past three decades has resulted in a disproportional number of older experienced officers in service. This poses a dilemma for senior agency managers. In an interview in late 2007, James Kunder, the Deputy Administer of USAID, articulated the problem in the following words, “If I force-placed staff in Iraq and Afghanistan, a significant portion of my senior officers, who are eligible for retirement, would submit their retirement papers. This group is the heart and soul of the organization, they bring years of experience and a sense of historical memory to all our policy decisions. Without them the agency’s ability to operate effectively would be drastically curtailed.”

These constraints are not amenable to short-term solutions but will require a long-term coordinated national investment strategy biased toward building the civilian assets necessary to fully engage all of the U.S. foreign policy tools. An integrated national strategy that effectively combines the substantial power of U.S. civilian and military assets organized around a unified command and control structure will be essential: not to fight the current Iraq war, but to prepare for the next.

## **Diplomatic/Financial Interdiction Operations**

Finance is the lifeblood of Al-Qaeda. Without it Al-Qaeda members cannot travel, support the independent network of Salafist terrorist groups that threaten the United States and its allies, or mount the attacks that they have pledged to carry out. Because of the centrality of finance to Al-Qaeda operations, disrupting its sources, hindering its movement, and confiscating funds or other productive assets if found, has been a critical, if unsung component of the war on terror.

The legal and organizational structure that the United States relies upon to deal with terrorist financing is complex. During the 1980s and 90s, as the terrorist threat evolved, U.S. legislation and international conventions followed. In 1977, Congress enacted *The International Emergency Economic Powers Act*, which made terrorist financing a crime, outlawed the material support of terrorists groups, and provided U.S. law enforcement agencies with the authority to investigate and prosecute terrorist financiers.<sup>254</sup> As Al-Qaeda operations intensified in the late 90s, the United Nations adopted *The Suppression of the Financing of Terrorism Convention*, which

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<sup>254</sup>*The International Emergency Economic Powers Act of 1977*, Public Law 95-223, codified at U.S. Code, Title 50, Chapter 35, §1701-1707.



criminalized terrorist financing on an international level and required states to outlaw it. The convention was signed by the United States in 1999.

To deal with the evolving nature of terrorist financial networks, shortly after the 9/11 attacks, the *U.S.A Patriot Act* was enacted to extend the definition of “material support” to terrorist organizations to encompass all aspects of financing and provided for greater cooperation between U.S. law enforcement and intelligence agencies in gathering and sharing financial information gathered in the process of terrorist investigations.<sup>255</sup> To strengthen the provisions of the Act, the president issued Executive Order 13224 on 23 September 2001, which implemented powers, conferred on his office by the 1977 law, to declare a national emergency. This provided the means to disrupt terrorist’s financial support networks by allowing the U.S. to block the assets of foreign individuals, entities or states that posed a significant terrorist threat to the U.S. or had provided support, services or assistance to such terrorist organizations.

As the volume of investigations became larger and more complicated, eighteen different offices in six executive departments of government have become involved in tracing, interdicting and confiscating terrorist assets and cash. Coordinating this complex structure is the responsibility of the Department of State, which chairs a subgroup on the National Security Council’s Policy Coordinating Committee focused on developing interagency strategy and obtaining international cooperation to deter terrorist financing. On the operational front, the FBI leads all terrorist financing investigations and is responsible for collecting foreign intelligence and counterintelligence information within the United States. They are assisted by the CIA, which gathers, analyzes and disseminates intelligence on foreign terrorist organizations and their financing mechanisms. Offices within the Departments of Homeland Security, Justice and

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<sup>255</sup>The Uniting and Strengthening America by Providing the Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Public Law 107-56, 107<sup>th</sup> Congress, 1<sup>st</sup> sess. (26 October 2001).

Treasury also play important roles in interdicting terrorist financing that crosses U.S. borders, investigating, preparing cases against known terrorist organizations and bringing them to court, and seizing the U.S. assets of foreign organizations that have been identified as supporters of terrorist organizations. To augment these efforts and comply with Executive Order 13224, the Department of the Treasury in 2004 established the Office of Terrorism and Financial Intelligence with the express purpose to gather and analyze information from the intelligence, law enforcement, and financial communities as to how terrorists and other criminals earn, move, and store money. The Office is also authorized to take appropriate policy, regulatory and enforcement actions to freeze terrorist assets, cut off foreign financial institutions with known associations with terrorist organizations from the U.S. banking system, and promote the adoption and implementation of counterterrorism and anti-money laundering standards worldwide.

While this structure has been effective in interdicting terrorist financial flows within the United States, its ability to work internationally has been constrained. Even though terrorist financing is a transnational problem, U.S. statutes deal with it as a crime offence, not within the wider context chosen to deal with terrorist actions, which are considered acts of war. Consequently, current policy confronts terrorist financing from a law enforcement perspective focusing on improving domestic capabilities to interdict terrorist finances as part of their monitoring of U.S. financial institutions. Commenting on this system, David Childs notes, “The U.S. law enforcement apparatus is not adequately geared to attack these avenues (*eds.* international) of terrorist financing, and it is subject to jurisdictional limitations which restrict its ability to monitor underground financial networks (like *hawala*) and aspects of terrorist financing that occur in other countries.”<sup>256</sup>

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<sup>256</sup>Childs, 4.

In part to overcome this constraint and augment U.S. law enforcement efforts, the Departments of State and Treasury have mounted significant programs to assist multilateral efforts to improve terrorist finance interdiction capabilities in other countries, especially in critical regions like the Middle East and Southeast Asia. For example, State Department representatives sit on the United Nation's Counterterrorism Committee (CTC), the G-8 Counterterrorism Action Group (G-8 CTG) and other regional bodies. Both agencies have been supportive of the Financial Action Task Force (FATF), which was established by the then G-7 in 1989, to combat money laundering and more recently terrorist financing. The Task Force has promulgated "Eight Special Recommendations against Terrorist Financing" which establishes a methodology for assuring compliance with the recommendations. In addition, the Task Force has issued guidance to assist financial institutions in detecting terrorist financing, and has developed best practices concerning the freezing of terrorist assets, the control of alternative remittances, and the management and oversight of nonprofit organizations<sup>257</sup>. Both State and Treasury are involved in diplomacy, training, and technical assistance to help nations development and implement legislation to implement the Task Force's recommendations.

While these efforts are a critical element in eliminating terrorist financing at its source, the program has problems. Disagreement over who leads the program have led to bureaucratic jousting between State and Treasury and delayed fieldwork. There has been no strategic alignment of available resources and priority tasks. For example, no one knows how much has been spent by which agencies for training and technical assistance. Nor has there been an assessment of the availability and suitability within each agency regarding the quality of the

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<sup>257</sup>FATF is an inter-governmental body with 33 country members founded in 1989 to develop and promote national and international policies and political reforms necessary to combat money laundering and terrorist financing. More detailed information on the organization can be found at their website <http://www.fatf-gatf.org>.

human or international resources that could be assigned to the task. Consequently, policy makers have little information to strategically align available resources with the needs and relative risks associated with priority countries.<sup>258</sup>

In each case, these organizations are only advisory and not operational or enforcement authorities. For example, the G-8 Counterterrorism Action Group provides member countries with a forum to identify priority areas that need to be addressed in the fight against terrorism and coordinate counterterrorism capacity building efforts amongst member states to maximize impact.<sup>259</sup> To date the group has identified terrorist financing, port and marine security, aviation security and police and law enforcement as priority areas. The CTC has a similar but much more expansive mandate involving the 135 nations that have ratified the 1999 U.N. convention mentioned above. C. S. R. Murthy in his institutional analysis of the Committee suggests;

The evolution of the CTC as a friendly facilitator, rather than a prying policeman is remarkable . . . it is not an enforcement mechanism; it has no power to impose sanctions. . . Nor is the CTC's mission to identify specific terrorists, condemn or sanction those states that sponsor or harbor terrorists or respond to specific terrorist acts. . . Rather, its purpose is to strengthen the infrastructure needed to fight terrorism.”<sup>260</sup>

While encouraging discussion, priority setting and capacity development in participating nations, the above problems and legal constraints placed on U.S. agencies as well as the mandates of the multilateral organizations have their limitations. For example, Saudi Arabia, a key source of Al-Qaeda financial support, has realized that they are the “near enemy”. Responding to U.S.

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<sup>258</sup>U.S. Government Accountability Office, “Terrorist Financing: Agencies Can Improve Efforts to Deliver Counter-Terrorism-Financing Training and Technical Assistance Abroad,” Statement of the Honorable David M. Walker, Comptroller General of the United States to the Committee on Financial Services, Subcommittee on Oversight and Services, House of Representatives (April 6, 2006), 4-5.

<sup>259</sup>Celina Really, “G-8 Counterterrorism Action Group Efforts to Combat Terrorist Financing,” briefing presented at the G-8 Summit in Vienna, Austria (11 March 2004), 3.

<sup>260</sup>C. S. R. Murthy, “The U.N. Counter-Terrorism Committee: An Institutional Analysis,” Friedrich Ebert Sifting Briefing Paper, New York (15 September 2007), 6.

pressure they have adopted a profusion of new laws, regulations, and institutions to improve capabilities to control money laundering, oversee charitable contributions, and supervise the formal and informal financial service sector.<sup>261</sup> Steps have been taken to address the mindset that ferments and justifies acts of terror including educational reform and steps to discipline or “re-educate” certain extremist Islamic clerics. In August 2003, the United States and Saudi Arabia announced the creation of a Joint Terrorist Task Force, which provided the FBI and the Internal Revenue Service’s Criminal Investigation Division with direct access to Saudi accounts, witnesses and other evidence. Further terrorist attacks in May 2004, against the Saudi oil industry, led to the unprecedented decision by the government to use force to hunt and kill members of domestic Al-Qaeda cells. The Council on Foreign Relations believes the these changes have, “likely made a real impact on Al-Qaeda’s financial picture and it is undoubtedly a weaker organization as a result. Much of the impact has been through deterrence –i.e. past or prospective donors are now less willing to support organizations that might be complicit in terrorism.”<sup>262</sup>

While moving in the right direction, there have been cautionary notes. Initial efforts to establish a Saudi Arabian legal framework to deal with terrorist financing while impressive, have not been followed up on by the creation of effective implementation mechanisms. Unfortunately, U.S. agencies such as State and Treasury have little leverage to assist the Saudis to deal with the

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<sup>261</sup>Prior to 12 May 2003, Saudi Arabia officials took little concrete action against Al-Qaeda and its supporters. Saudi authorities continued to contend that they were taking all necessary steps to combat terrorism financing. On that date, the status quo changed dramatically when Al-Qaeda bombed two Riyadh housing compounds used by U.S. and other foreign residents. The attack was followed in November 2003 with a similar attack on another housing compound and an attack against the General Security Building, the headquarters of the Kingdom’s army reserve forces in April 2004.

<sup>262</sup>Independent Task Force on Terrorist Financing, Council on Foreign Relations, “Update on the Global Campaign Against Terrorist Financing,” Washington, DC (15 June 15, 2004), 5.

politically thorny debate regarding how to implement the new laws. This situation has led the Council on Foreign Relations, later in its report, to conclude;

We have found no evidence that Saudi Arabia has taken public punitive actions against any individual for financing terror. . . Despite the flurry of laws and regulations, we are aware of no publicly announced arrests, trials, or incarcerations in Saudi Arabia in response to the financing of terrorism. . . Aggressive action against financiers therefore requires greater political will, not just actions against the politically powerless or socially marginalized. So far, demonstrable evidence of this political will has been lacking.”<sup>263</sup>

While the breath of U.S. efforts to attack Al-Qaeda financing have been considerable and anecdotal evidence of successes is available, structural problems within the U.S. approach remain. The proliferation of U.S. agencies involved in counterterrorist financial operations and the failure to designate a lead agency have inhibited the development of a strategic approach that links available U.S. and international resources to priority high-risk countries. The lack of a clearly defined command and control structure to guide the effort has resulted in internal bickering and increased the risk of redundancy and resource misuse. Moreover, the lack of an effective results monitoring system has hindered the U.S. ability to track implementation and mount the appropriate diplomatic pressures to expedite progress.

## **Al-Qaeda's Response**

Undoubtedly, Al-Qaeda has been damaged by the projection of U.S. military, law enforcement and diplomatic power since the 9/11 attacks. In the past, the organization has proven it has substantial resilience, even in the face of major setbacks. Its expulsion from the Sudan left the organization financially poorer, but gave birth to its unique and lethal cellular structure. In 1998 when it lost its sanctuary in Pakistan, it immediately relocated to Afghanistan, built a

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<sup>263</sup>Ibid., 18.

cooperative relationship with the Taliban, and was in a healthier position than before.<sup>264</sup> After its expulsion from Afghanistan, Al-Qaeda's organizational structure and operations were damaged, but not destroyed. Its determination to strike its enemies, especially the United States, has not diminished.

In anticipation of the U.S.'s response to the 9/11 attacks, Ayman al-Zawahiri published his *jihad* manifesto, which justified the targeting of a variety of new organizations he believed would be used by the U.S. to strike back at Al-Qaeda. They included the United Nations, apostate rulers of friendly Islamic countries, multinational corporations, international communications and data exchange systems, international news agencies and satellite media channels and international non-governmental organizations. On 6 October 2002, bin Laden distributed his letter, "To the Americans" in which he summarized what he believed were the political misdeeds of the American across the Muslim world. The letter condemned the U.S. society for its moral and cultural decadence.<sup>265</sup> Two days later in a question-and-answer interview with Ayman al-Zawahiri, broadcast on Al Jazzier, the Arab satellite television station based in Qatar, he said, "Our message to our enemies is this: America and its allies should know that their crimes will not go unpunished. . . . We advise them to leave Palestine, the Arabian Peninsula, Afghanistan, and all Muslim countries before they lose everything." He went on to expand Al-Qaeda's targeting beyond the U.S., specifically identifying Germany and France.

As Al-Qaeda's leadership spoke out, western intelligence services working in consort began to round up or eliminate Al-Qaeda operatives. On 14 November 2001, Al-Qaeda's Emir,

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<sup>264</sup>Gunaratna, 73.

<sup>265</sup>Bin Laden, *Messages to the World*, 160-172. In the letter, bin Laden provides a detailed list of supposed U.S. misdeeds in Palestine, Chechnya, Kashmir, the Lebanon, Iraq, Afghanistan, and not the least the Arab states that act as its willing agents. His moral and cultural denunciation of American society describes the country as a sink of Usury, debauchery, drug addiction, gambling, prostitution, and environmental destruction due to the U.S. apostasy in separating church and state, and choosing to live by man-made laws rather than those of God.

who was responsible for the organizations day-to-day operations was killed in a U.S. air strike in Kabul. This was followed by another catastrophic loss in early 2002. On 28 March of that year, Al-Qaeda's director of external operations, Abu Zubaydah, was captured by a joint Pakistani police, FBI, and CIA team during raids in Faisalabad, Pakistan. One of the most elusive Al-Qaeda operatives, Zubayadah was a Palestinian with Saudi citizenship who managed Al-Qaeda terrorist support and operational network worldwide. Finally, on 1 March 2003, U.S. and Pakistani forces arrested Khalid Sheikh Muhammad, the Al-Qaeda mastermind behind the East African embassy bombing and the 9/11 attacks in Rawalpindi, Pakistan.

By the middle of 2002, the CIA in cooperation with other intelligence services had arrested or eliminated sixteen of Al-Qaeda's twenty-five key leaders and 2,000 operatives or affiliated members. Usually, a foreign service cooperating with the CIA and FBI and acting on shared information made the arrest. On the financial front, the U.S. and its allies "froze nearly \$100 million worth of terrorist assets, mostly associated organizations as well as individuals linked to, or part of Al-Qaeda."<sup>266</sup> By 2003, the assets of an additional 321 different organizations associated with various other terrorists groups, including Al-Qaeda, had been frozen. In addition, planned attacks on U.S. embassies in Italy, France, Yemen, and Albania and other U.S. facilities in Turkey and Saudi Arabia were thwarted.

Rebounding to these losses, Al-Qaeda changed its organizational structure, modes operandi, and financial operations. With U.S. troop build-ups in the Afghanistan, Iraq, the Horn of Africa, southern Algeria, the Philippines, Yemen and Georgia, Al-Qaeda has responded by building a wider multinational network of terrorist groups. They have shifted from supporting affiliates, who were bound to a given territory or nation state, to a concept of the universality of the battle, where affiliate members are encouraged to strike outside their own territorial limits at

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<sup>266</sup>Gunaratna, 88.



the “far enemy.” In al-Zawahiri words, this broader alliance represents, “a growing power that is rallying under the banner of jihad for the sake of God and operating outside the scope of the new world order. It is free of the servitude from the dominating western empire. It promises destruction and ruin for the new Crusaders against the lands of Islam.”<sup>267</sup> Rohan Gunaratna believed this appeal would have little effect since most of Al-Qaeda affiliates are territorial bound and were unlikely to respond to Al-Qaeda’s request. However, he warned, “Al-Qaeda sleeper cells in Europe and the United States, its newly formed cells, and its preexisting cells introduced from overseas are likely to strike targets on Western soil.”<sup>268</sup> The 2004 Madrid, Spain commuter train bombings, carried out by twenty Moroccan terrorist with Al-Qaeda affiliation, and the 2005 terrorist attacks in the London subway by home grown terrorist would seem to add credence to Gunaratna’ warning.

As Al-Qaeda reached out to underground groups, it also enlisted the support of legitimate political parties. In his manifesto, Al-Zawahiri called on Islamic political parties to shoulder the duties of propaganda, recruitment, and fund-raising, thus freeing terrorist groups to concentrate on planning, preparing, and conducting attacks.<sup>269</sup> He called upon them to “expose” the “rulers” who fight Islam, highlighting the, “importance of loyalty to the faithful and relinquishing of the infidels in the Muslim creed”; and he held, “every Muslim responsible for defending Islam, its sanctities, nation, and homeland.”<sup>270</sup> According to Gunaratna, “Al-Qaeda’s post 9/11 strategy is designed for Islamic parties hiding behind the political veil to produce a generation of recruits

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<sup>267</sup>Al-Zawahiri, 32.

<sup>268</sup>Gunaratna, 301.

<sup>269</sup>The move to enlist the support of legitimate political parties is a classic insurgent ploy. Galula believed, “an insurgent can reach a high degree of development by legal and peaceful means, at least in countries where political opposition is tolerated.” In these countries, laws enacted to protect the rights of minority groups, gravely limits preemptive moves on the part of the counterinsurgency.” Galula, 3.

<sup>270</sup>Al-Zawahiri, 25.

and supporters to sustain the fight in Afghanistan and elsewhere. Until favorable conditions emerge, Al-Qaeda will continue to operate through mosques, *madrasas*, community centers, and, as best it can, charities in Western Europe and North America.”<sup>271</sup> In addition to attempting to co-opt the assistance of legitimate Islamic political, religious and community groups, Al-Qaeda has decentralized their operations and relies heavily on associated groups to carry out attacks. These groups provide Al-Qaeda the platform it needs to prepare and execute operations against targets in Western countries and their allies, including those in the Islamic world. In part, the success of these diversification efforts can be seen in the rapid rise of Al-Qaeda sponsored attacks starting in 2004. During the period from 2004 to 2007, Al-Qaeda or their affiliates carried out forty-three separate attacks each year, 65 percent above the annual average for the previous decade, resulting in 15,790 casualties or deaths worldwide.

The location and type of attack that underlay these gruesome statistics, demonstrate a change in Al-Qaeda’s modes operandi. Prior to 9/11, Al-Qaeda sought out high profile targets such as U.S military facilities, public structures like the World Trade Center, and the embassies of the U.S. and their allies. Post 9/11, Al-Qaeda has continued to withdraw from direct attacks relying more on affiliated groups to identify, plan, and execute them. They continue to provide technical expertise, training and limited finance to affiliated groups to assist in each phase of an attack. Given increased security worldwide, attacks are now targeted on populations, economic infrastructure, and other “soft” targets. An examination of available data since 2004, suggests that targets have included, bars, markets, shopping malls, hotels, passenger ferries and trains to name a few. Of the 8,638 casualties ascribed to terrorist attacks since 2004, 44 and 35 percent of them

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<sup>271</sup>Gunaratna, 302.

have occurred in lightly guarded transportation systems and public spaces like markets, hotels and restaurants.<sup>272</sup>

International efforts to identify and interdict Al-Qaeda formal financial flows following the 9/11 attacks have been substantial. Initially, bank accounts controlled by Al-Qaeda, its affiliates and support organizations were frozen and upwards of \$100 to \$150 million were seized. Following this major success, however, annual seizures have dropped drastically to approximately \$10 million per year. Some represent this drop as evidence that most of Al-Qaeda's financial resources have been seized and the organization is close to bankruptcy. Others caution that the organization remains solvent and has adjusted the way it holds and moves money, so transfers will be undetectable to unwanted scrutiny. These analysts believe Al-Qaeda has shifted to new illegal ways of moving its revenue sources and has become involved in smuggling and holding illicit diamonds and gold to circumvent the formal financial system. In addition, they believe the organization is moving a substantial, but not all, of its finances through the ancient trust-based *hawala* underground banking system, and has increased the use of couriers as a safer, albeit slower, way of moving funds to affiliated terrorist groups<sup>273</sup>

As U.S. and allied intelligence services have cracked down on Islamic charities, an Al-Qaeda major contributor, the organization has turned to other sources of revenue, primarily illegal, to generate needed revenue.<sup>274</sup> For example, prior to 9/11, Al-Qaeda relied heavily on credit card fraud in Europe to generate revenue. The operation, run primarily by Algerians trained

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<sup>272</sup>The data do not include casualties that occurred in Iraq or those in other parts of the world where a location was not identified. Consequently, the estimates underestimate the true impact of terrorist attacks.

<sup>273</sup>U.S. General Accounting Office, "Terrorist Financing: U.S. Agencies Should Systematically Assess Terrorists' Use of Alternative Financing Mechanisms," (November 2003), 9.

<sup>274</sup>The criminal activities used by terrorists are varied and include drug trafficking, weapons smuggling, and illegal trade in diamonds and stones. Childs, 1.

by Al-Qaeda in the Afghan camps, purchased credit card manufacturing equipment, obtained card details from shops and restaurants, skimmed electronic data from cards bought from petty criminals and surfed the internet for card details. Security and intelligence agencies estimate that nearly \$1 million a month is raised in this fashion.<sup>275</sup>

Pressures mounted since 9/11, forced Al-Qaeda to decentralize its illegal activities relying on associate terrorist groups to generate their own funds. Victor Comras, a leading expert on international trade embargoes and economic sanctions, who once advised the United Nations on terrorist financing, indicates that Al-Qaeda affiliated, “compartmentalized cells have become responsible for much of their own financial support. These local cells now operate autonomously, raising funds through local drug and cigarette smuggling, credit card fraud, coupon fraud and other petty crimes.”<sup>276</sup> Such funds, typically classified as “dirty money”, are generated by unlawful activities and then redistributed among legitimate institutions to disguise their origins. This makes them appear to be from legitimate transactions, thus hampering the ability of law enforcement authorities to track the funds.<sup>277</sup> Some analysts contend that the increased scrutiny placed on Al-Qaeda’s financial network by Western intelligence services have forced Al-Qaeda to become more active in the international opium trade. Tim McGirk, a *Time Magazine* reporter in Kabul, reported in January 2008 that, “U.S. and British counterterrorism experts say al-Qaeda and its Taliban allies are increasingly financing operations with opium sales. Antidrug officials in Afghanistan have no hard figures on how much al-Qaeda and the Taliban are earning from drugs,

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<sup>275</sup>Gunaratna, 87.

<sup>276</sup>Victor Comras, “Al-Qaeda Finances and Funding to Affiliated Groups,” *Strategic Insights*, Vol. 1, Issue 1, (January, 2005), 5.

<sup>277</sup>Raymond Baker, “Money Laundering: Current Status Of Our Efforts to Coordinate and Combat Money Laundering and Terrorist Financing” Testimony before the Senate Caucus on International Narcotics Control (4 March 2004), 4. <http://drugcaucU.S..senate.gov/moneylaundering04baker.html> (accessed 15 January 2008)

but conservative estimates run into the tens of millions of dollars.”<sup>278</sup> If true, this would mark a major shift in Al-Qaeda’s illegal financial operations.<sup>279</sup>

Al Qaeda has also begun to use the informal *hawala* system to move their money.<sup>280</sup> The system is extensive with agents, called *hawaladars*, located in almost every rural and urban market throughout the developing world. In Pakistan, local bankers estimate that the 1,000 Pakistani *hawaladars* transferring \$2.5 to \$3.0 billion into the country each year, two to three times the funds transferred by the formal banking system. Long dominated by South Asians and serving customers through the Middle East, Europe and North America, it is a cash-based money transfer system, which leaves behind few written and electronic records.<sup>281</sup> To transfer funds, customers in one city hand their local *halawadar* the funds to be transferred. The *halawadar* then contacts his counterpart, usually a family, clan or tribal associate, where the money is to be delivered. Based on personal information provided by the customer, the money is then delivered to the final recipient. No money actually changes hands. Often the volume of transactions flowing through the system in both directions is sufficient so that the two *halawadars* rarely have to worry about settlement. If settlement is required, the trust between and among *halawadars* allows them to carry each other’s debts for long periods before finding ways to clear them. This may be done through the personal transfer of funds by a trusted family representative or if necessary the smuggling of illicit gold or diamonds.

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<sup>278</sup>Tim McGirk, “Terrorist’s Harvest”, *Time Magazine*, (2 August 2004) <http://www.time.com/time/printout/0,8816,50104080-674806,00.html> (accessed 17 January 2008).

<sup>279</sup>Both the U.S. National Commission on Terrorist Attacks and the 9/11 Commission Report suggest that Al-Qaeda was not involved in illegal activities prior to the 9/11 attacks.

<sup>280</sup>Gunaratna, 84.

<sup>281</sup>The *hawala* system’s reach has been extended to Southeast and East Asia through its interactions with similar alternative banking systems operated by Chinese businessmen. The Council on Foreign Relations, 10.

As the above suggests, Al-Qaeda remains a viable threat to the United States and its allies even after seven years of significant financial and personnel losses. They have broadened their membership base, continue a vigorous recruiting program, and have solicited and received support from a number of legitimate Islamic groups. They continue to find informal way of disguising and moving financing to support affiliate organizations in mounting attacks. Commenting on this situation before a Senate panel on 5 February 2008, Michael McConnell, the Director of National Intelligence, indicated that Al-Qaeda, relying on its regenerated presence in Northern Pakistan, had improved its capabilities to plan attacks elsewhere. While noting that a number of Al-Qaeda attacks, in Germany, Denmark and Southeast Asia, had been foiled over the past year, he warned that Al-Qaeda's remained a serious threat and has a growing capability to attack the United States.<sup>282</sup>

## Summary

Since the 9/11 attacks, hundreds of thousands of American civil servants, foreign service officers and military personnel have worked endless hours, often under dangerous and austere conditions, to assure the Al-Qaeda threat was neutralized. Cooperating with foreign intelligence services, law enforcement agencies, and the U.S. military, Al-Qaeda's senior leadership, the core of the organization, has been devastated. Over 2,000 of their field operatives have been neutralized and hundreds of millions in financial assets confiscated or frozen. Diplomatic efforts in Saudi Arabia to freeze Al-Qaeda's key funding source has begun to bear results. Military efforts in Iraq and elsewhere have isolated Al-Qaeda operatives and destroyed new training camps.

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<sup>282</sup>J. Michael McConnell, "Annual Threat Assessment of the Director of National Intelligence" testimony presented before the Senate Select Committee on Intelligence" (5 February 2008), 5-6.

Even though Al-Qaeda has been seriously damaged, they remain a viable threat to the United States and its allies. The organization has decentralized its operations, relying on Islamic political parties, mosques and community centers to recruit and spread their message of violent global *jihad*. They have broadened their institutional targeting, expanding it from a focus on the United States to its allies, the United Nations, the international press and international non-government organizations. Moreover, it has placed more reliance on local homegrown radical Islamic groups to carry out the growing number of attacks targeting unarmed civilians, which are occurring today.

The global war against terrorism has achieved much, but more is required to defeat Al-Qaeda. The rift between diplomatic and military organizations actively pursuing the Iraq war, while under repair in Iraq, remains problematic in Washington. The three-year delay in accepting the existence of an Iraq insurgency and delays in marshalling the necessary resources to counter its growth, questions whether or not the U.S. institutional military has incorporated counterinsurgency operations as a key component in the reorganization of its operational structure. The inability of the foreign policy establishment to organize a coordinated counterinsurgency effort and the limited number of trained personnel they have to accomplish the task remains troubling. The fact that the U.S. has chosen to address terrorist financing as a criminal act not an act of war continues to constrain operations to eliminate terrorist financing. The number of U.S. agencies involved in tracking and interdicting terrorist financing while impressive, could result in duplicity of effort and the failure to focus sufficient resources on key areas of risk. Moreover, the absence of strong leadership in this effort could exacerbate the considerable domestic and international problems that this group will have to overcome to be successful. These and other issues related to the U.S.'s response to Al-Qaeda are the focus of the closing section of this essay.

## CHAPTER SIX: WHAT REMAINS TO BE DONE?

### Introduction

The analysis of the United State's response to the 9/11 attacks and Al-Qaeda's call to struggle against the U.S. and its allies has produced a wealth of information on what went right, what went wrong, and what still need to be done. Al-Qaeda remains a serious threat to the U.S. homeland and U.S. citizens and installations abroad. The organization is knowledgeable of U.S. counterinsurgency techniques, is adaptive, responding quickly to new U.S. counterinsurgency efforts, and able to regenerate itself after absorbing major setbacks. It currently is reconstructing itself to recover from the major losses of senior and field operatives, financing and sanctuaries it has experienced over the past seven years. It has successfully decentralized its operations to regional, national, and local jihadist groups making the support, planning, and execution of violent attacks more difficult to interdict. It retains the support and active commitment of hundreds of legal and illegal Islamist organizations throughout the world. Its message of violent Salafist *jihad* has been globalized and is attracting new recruits not only in the Arab world, but also in Europe and North America.

The dedicated and tireless efforts of hundreds of thousands of U.S. law enforcement, military, intelligence, civil and foreign services offices portrayed above have led to the discovery, interdiction, and neutralization of thousands of Al-Qaeda operatives, financial resources and countless planned attacks against U.S. and allied institutions and civilians throughout the world. Looking back in hindsight, could these efforts have been better managed and executed? As the above essay suggests the answer is yes. These strategic and tactical adjustments to the U.S. global war on terrorism are the focus of this concluding chapter of the essay.



## Systemic Change

The speed and complexity of the U.S. response to the 9/11 attacks has been commendable. However, speed often precludes a more thoughtful and systemic approach to resolving the complex problems that the global Salafist *jihad* represents. The U.S.'s rapid deployment of its considerable military power, first to depose Al-Qaeda from its sanctuary in Afghanistan and then to interdict it from what the White House mistakenly believed was access to weapons of mass destruction have had serious policy, diplomatic, and resource allocations implications for the U.S.'s global war on terrorism. For example, the perceived need to put "boots on the ground" in Afghanistan, eighteen days after the 9/11 attacks, while assuring the American people that the Bush administration was serious about defeating Al-Qaeda was not enough time to fully understand the internal environment within Afghanistan nor the best way to exploit it to defeat Al-Qaeda. The relationship between Al-Qaeda and the Taliban was not as amicable as the U.S. believed. They argue that if Pakistan had been given more time to negotiate with the Taliban there was a possibility that they would have been able to arrange Osama bin Laden's capture and extradition into Pakistani custody.

In addition, the rapid build-up to the invasion of Iraq and the sole reliance on the military to plan and execute the invasion did not provide the time required to fully understand the enemy nor the complex tribal and political structure that they would be facing once Saddam Hussein was defeated. The plan, which was heavy on conventional war fighting and light on post conflict "nation building", led to a number of disastrous administrative decisions that alienated large sections of the Iraqi public and facilitated the growth of a vibrant insurgency. The sluggish nature of the U.S. response to the insurgency brings into question if senior U.S. military leaders, schooled and practiced in the art of conventional warfare employed against nation states, have

fully integrated counterinsurgency doctrine, a critical tool required to fight the small wars of twenty-first century, fully into the institutional policies of the U.S. military. The bias for conventional vs. non conventional warfare seems to have been resolved in Iraq with the implementation of the Common Joint Plan for Iraq that combines the projection of civilian and military power in a full-blown counterinsurgency war. It remains to be seen if these efforts, which have been successful to date, will be treated by the institutional Army as an anomaly, as they were after the Vietnam War.

While the above may seem bit critical, the U.S. military cannot be blamed for all the shortcomings in Iraq. The institutional environment in Washington and how the Bush administration employed it in the global war on terrorism rates equal if not greater criticism. Early on, the White House set the tenor of the U.S. response to Al-Qaeda by establishing a rapid response tempo that relied on existing institutional structures to get the job done. To guide these institutions, the president chose a management style where he would preside, the vice president would guide, and the appropriate secretary would implement. When constraints became apparent, an executive order would be issued or new legislation put forward to resolve the constraint. The elimination of the “wall” that separated the FBI from other agencies in the U.S. intelligence community, the formation of the Department of Homeland Security and the expansion of financial interdiction powers in the Departments of Justice and Treasury are cases in point.

While some of the actions described in this essay were significant steps in the right direction, reliance on the vice president to guide implementation, especially while he was engrossed in military operations, left many of the domestic changes only half-done. For example, the establishment of the Department of Homeland Security was necessary. However, little effort was focused on consolidating the twenty-six agencies that made up the new department or to change their organizational culture and operating procedures to assure that they acted as an

integrated whole. In addition, the designation of a National Director of Intelligence was surely a bold move. However, the presidential leadership required to assure the new director had all the financial and staff resources and political backing necessary to fulfill all of his powers under the new legislation were not forthcoming. Consequently, the Director still does not have veto authority over senior staffing choices or the ability to restructure intelligence agency budgets to meet what he believes, not what participating departments, supposedly under his direction believe are the major threats to national security.

The U.S. agencies committed to identify, interdicting and confiscation terrorist's financial assets have experienced considerable initial successes, but recent seizures have declined to approximately \$10 million a year. While this may in part be due to lower terrorist cash flows and the increased use of informal and illegal cash transfer methods, the structure of U.S. interdiction efforts remains disjointed with 18 different offices in six executive departments of government tracing, interdicting and confiscating terrorist assets and cash. The National Security Council's Policy Coordinating Committee, chaired by the State Department, has been tasked with developing an interagency strategy to coordinate agency efforts and obtaining international cooperation to deter terrorist financing. However, oversight of the agencies involved remains under a variety of Congressional committees and the chance of duplication of effort and inefficient allocation of scarce budget resources remains. At the very least, the development of a new institutional mechanism, possibly the creation of a White House position assigned to coordinate these agencies and assure that strategy does not lead to a "business as usual" approach may be required. A careful analysis of the effectiveness of the current arrangement would be in order, possible by an outside entity such as the U.S. Government Accountability Office. The formation of a joint operational center, such as that established to guide day-to-day intelligence operations, might result.

These issues are important, but exclusive focus on resolving them could divert attention and resources away from the much more important structural problems that remain unaddressed. There has been no effort to restructure the Congressional budget review and appropriations system to assure that they were in line with the transnational threat posed by Al-Qaeda or the strategies promulgated by the White House to deal with it. Apparently, the president deemed this too basic of a task to try to accomplish while the United States was at war or that the system was adequate to meet the needs of the task with minor adjustments. Consequently, the recommendation made by the 9/11 Commission on Congressional committee restructuring were ignored. As a result, the same committee structure as existed before 9/11 continues to make individual assessments of agency resources needed to fight the global war on terrorism. There is no Washington entity, except the Office of the Director of National Intelligence, who has only limited powers over coordinating the national intelligence budgets, that can assure that the total budget resources of the United States committed to the global war on terrorism are allocated in such a way as to fully address the top priority terrorist threats to the nation. This has and continues to have serious consequences. For example, the preservation of the status quo relationship between agencies and their Congressional oversight and appropriations committees has failed to underline the importance of restructuring and has been left the responsibility to do so up to the individual agencies involved. Consequently, internal agency politics and bureaucratic inertia has deterred the process of reform. As a result, the FBI is still wondering if its primary role is one of criminal law enforcement or anti-terrorism. The appropriate balance between these two important elements remains to be created.

Although it has been clear for over four years that the United States is not only facing Al-Qaeda but a global Salafist led revolution which will require both civilian, military and intelligence resources to counter, there has been no effort to develop an operational strategy that

incorporated all of these elements of national powers in a coordinated approach. Specific efforts to deal with the military and intelligence elements power have been formulated and although each has its problems implementation is underway. What has been excluded has been the capabilities of the civilian element of government, what most counterinsurgency theorists believe to be an integral part of any strategy. As the cost of extended operations in Iraq and Afghanistan have mounted, the resources need to build the civilian capacity to fully participate with the military and intelligence community in executing the full scale counterinsurgency operations required to deal with the Salafist revolution have been lacking.

Although there has been talk in Washington about developing a full-blown civilian agency counterinsurgency strategy to compliment that of the military and the legislations to implement it, few are optimistic over its successful enactment. To become law, proponents will have to guide the draft legislation through the myriad of Congressional oversight committees that oversee the agencies that would need to be included--State, Agriculture, Labor, Treasury, Commerce, and Energy to name a few.

The task is daunting and few think it can be accomplished. In its stead, some agencies notably State and the USAID are preparing budget requests to increase their staff levels so they will be better able to participate in counterinsurgency operations in the future. After a decade of staff declines, the President's Office of Management and Budget (OMB) is asking why such increases are needed. With little direct senior level experience in counterinsurgency operations, agency spokespersons are finding OMB's questions difficult to answer. Even if approved recruiting, training and organizing agency efforts for rapid deployment to head off the next "failed state", where insurgents are free to grow, will take time. When established, this cadre of officers will need extensive training with military colleagues to assure the seamless deployment

of civil/military teams to deal with the next counterinsurgency operation that will be coming down the pike.

Until then, the military will be forced to divert needed troops and resources to carry out the economic development and governance lines of operation that form an integral part of any counterinsurgency operation. To assure that the tasks are carried out effectively will require expanding the number of civil affairs units currently available for deployment and adjusting the curriculums and training regimes they participate in prior to deployment. These efforts should improve the tactical economic development and governance skills of troops involved in counterinsurgency operations. To complement these efforts, the military should consider the formation and embedding of civilian counterterrorist teams at the combatant commander level. These teams would advise combatant commanders on the most appropriate ways of integrating economic development and governance lines of operation into theater level strategic and operational plans prior to deployment. When deployment occurs, they would accompany troops to the field to assist corps level commands in revising operational plans. The team's involvement at both the combatant command and theater level of operations would provide invaluable experience to guide the development of training for the new cadre of civilian officers that will eventually be recruited. Properly recruited and trained, this civilian cadre would serve as a ready reserve ready to be deployed as full partners with military colleagues when the next protracted counterinsurgent operation unfolds.

## **Global Challenges**

Although Al-Qaeda and the global Salafist jihad have morphed into a transnational terrorist movement, the United States remains committed to bi-lateral solutions. The war on Salafist terrorism is a global war. Yet discussions between targeted nations, in North America,

Europe, Southeast Asia and Middle East, have not begun and an international strategy to defeat global insurgency remains to be developed. The productivity of transnational coordination has already been demonstrated. The impact of operations conducted by the international intelligence community working with local law enforcement and militaries to uncover, interdict, and neutralize numerous Al Qa'ida terrorist plots and operatives before they could be activated is only one case in point. Such a global strategy would need to articulate how targeted nations would integrate diplomatic, economic, governance, intelligence and law enforcement resources to defeat the global Salafist *jihad*. The international agreement should complement the steps discussed above to consolidate U.S. government efforts to identify and interdict terrorist financing.

It is not enough for the United States to coordinate its efforts with foreign governments; it also has to work with the Muslim world, its governments, and *people*. As experience has shown, neutralizing Al Qa'ida operatives is not enough. For example, the neutralization of over 2,000 Al Qa'ida operatives hasn't deterred their violent operations. Evidence suggests that as soon as one operative is arrested or killed, there is a continual flow of replacements to take up the vacancy. Only until the U.S. addresses the question of why Muslim youths continue to seek out and join Al Qa'ida and its affiliated terrorist groups will, what seems to be an infinite supply of future terrorist, be resolved. International agreement on how this can be accomplished will be needed.

Such an agreement will have to address a number of key issues. First, efforts to silence radical Imams that preach the distorted message of hatred and religious intolerance contained in Salafist ideology need to be contained. These individuals and the Mosques that they lead have and continue to be key recruiting points for Al-Qaeda recruits. Britain has already taken the lead on controlling radical Imams and limiting their impact on Muslim populations. The U.S. would be wise to review the steps they have taken. Within the context of the U.S. Constitution's protection of free speech and the nation's human right laws, this will be difficult but well worth the effort.

Second, international efforts need to be focused on discrediting the Salafist message of hatred and violence that entices many disaffected Muslim youth to join Al-Qaeda and its associated terrorists groups. Support for moderate Islamic scholars, jurists and Imams willing to condemn Salafist theology as heretical and outside the officially accepted tenets of Islam will need to be mounted. Finally, an international communications strategy designed to blunt the day-to-day images and messages distributed by Al-Qaeda and its affiliates needs to be developed. U.S. efforts to establish an independent television news agency to compete with Al Jazeera is a good start. However, international support of this effort from both western and Muslim nations would increase its credibility and blunt external criticisms that it is just another U.S. owned and operated propaganda mechanism. If established, the agency would have to be independent, possibly with a joint western and Muslim board composed of respected private individuals who are not connected to their host governments. The board would have to assure that the agency provides an unbiased account of what is happening in the world to dispel the half-truths and lies currently being distributed by Al-Qaeda and its supporters.

To initiate this process will be difficult. It requires the support of both American and Muslim communities. One possibility to begin the process of debate and discussion would be the establishment of a cadre of U.S. individuals strongly grounded in Muslim cultures and languages with personal ties to the Muslim world to assess the concept's viability and initiate informal discussions with moderate Islamic leaders worldwide. They might be organized by their expertise in the regions where Al-Qaeda is most active--the Southeast Asia, Core Arab and the Maghreb Arab communities. They could focus initial attention on soliciting the views and potential support of peaceful fundamentalist Muslim groups, such as the Tablighi Jamaat, who target the same groups of alienated young men that are the source of Al-Qaeda's recruiting efforts. Even if the



idea of a global communication strategy goes nowhere, these alliances would be useful in designing and publicizing peaceful alternatives to terror.

In addition, consideration might be given to the formation of an international anti-defamation league to monitor hate speech worldwide and work with the respective press, religious organizations, governments, and justice systems to control and condemn it. Both the United Kingdom and Saudi Arabia have begun to move in this direction. The league would not target Muslim radicalism, but any form of intolerant extremism that preaches violence instead of dialogue. The strong support of the U.S. government would be essential to get this concept from the design to the operational phase and would send a strong message that public statements that disparage an individual or group because of its country, creed, race or religion would not be acceptable.

As the above suggestions imply, the U.S. war on terrorism is not solely a U.S. affair. Violent terrorism affects all peoples and nations worldwide. As long as groups like Al-Qaeda and its affiliates believe that individuals or nations who do not accept their distorted vision of Islam are acceptable targets for violent reprisals, their distorted form of global revolution will continue. To marshal international public support in opposition to this real threat will take decades, but it is the only way that the global Salafist jihad and groups like Al-Qaeda will be defeated.

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## **Appendix A: List of Acronyms**

CALL	U.S. Army Center for Army Lessons Learned
CIA	Central Intelligence Agency
COIN	Insurgency and counterinsurgency Operations
CPA	Coalition Provincial Authority
CTC	United Nation's Counterterrorism Committee
DCI	Director of Central Intelligence
DHS	Department of Homeland Security
DIA	Defense Intelligence Agency, Department of Defense
DNI	Director of National Intelligence
DOA	Department of Agriculture
DOD	Department of Defense
DOJ	Department of Justice
DOS	Department of State
DOTres	Department of the Treasury
FATF	Financial Action Task Force (under the G-8)
FBI	Federal Bureau of Investigation
FOB	Forwarding Operating Base
FSOs	Foreign Service Officers
G-8 CTG	G-8 Counterterrorism Action Group
HUMINT	Human Intelligence
MNC-I	Multinational Coalition-Iraq
MNF-I	Multinational Forces-Iraq
NATO	North Atlantic Treaty Organization



NCTC	National Counterinsurgency Center
NGA	National Geospatial-Intelligence Agency, Department of Defense
NIE	National Intelligence Estimate
NRO	National Reconnaissance Office, Department of Defense
NSA	National Security Agency
NSPD	National Security Presidential Directive
NSC	National Security Council, Office of the President
OMB	Office of Management and Budget
ORHA	Office of Reconstruction and Humanitarian Assistance, Department of Defense
PRDC	Iraq Provincial Reconstruction Development Committees
SAC	Special Agent in Charge (FBI)
SIGIR	Office of the Special Inspector General for Iraq Reconstruction and Development
TSA	Transportation Security Administration
UNSC	United Nation's Security Council
USAID	U.S. Agency for International Development
USACE	U.S. Army's Corps of Engineer